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DIGEST

OF THE

LAW OF ELECTIONS,

CONTAINING THE

PROCEEDINGS AT ELECTIONS

FOR ALL PLACES IN

ENGLAND, IRELAND, AND SCOTLAND,

WITH THE

QUALIFICATIONS OF VOTERS FOR THE RESPECTIVE COUNTRIES,

AND AN

Appendix of Penalties,

TO WHICH

RETURNING AND OTHER OFFICERS ARE LIABLE.

By DANIEL LISTER,
SOLICITOR.



LONDON:

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ADVERTISEMENT.

IT was intended in the following pages to give a digested statement of the several provisions relating to Elections for England only, and the proceedings on the meeting of the House of Commons, and before committees on Election petitions generally. In attempting, however, to give a correct statement of the course of proceedings on Election petitions, and of the several points which have from time to time been decided before committees of the House of Commons, such *frequent reference* to the special provisions for Ireland and Scotland was found necessary, that for the purpose of rendering the work more complete it was thought advisable that the original plan should be enlarged, and the consideration of the latter part of the subject for the present deferred.

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EXPLANATION OF REFERENCES.

<i>Con.</i>	Connell on the Election Law of Scotland.
<i>Corb. & Dan.</i>	Corbett and Daniells' Reports.
<i>Glanv.</i>	Glanville's Reports.
<i>Hats.</i>	Hatsell's Precedents in Parliament.
<i>H. B.</i>	Heywood on Borough Elections.
<i>H. C.</i>	Heywood on County Elections.
<i>Peck</i>	Peckwell's Election Cases.
<i>Sim.</i>	Simeon on Elections.

ERRATA.

Page	1	Margin, for 26 E. 3., read 36 E. 3.
	17	ditto for 2 G. 2. c. 24. s. 1., read 2 G. 2. c. 24. s. 4.
	18	2nd line for c. 24. s. 7, read c. 17. s. 14.
	38	Margin, for c. 2. read c. 25.
	41	22nd line, for st. 1., read st. 2.
	126	2nd line of note, for 22nd G. 2., read 22nd G. 3.
	128	15th line, for c. 24., read c. 28.

A DIGEST

OF THE

LAW OF ELECTIONS.

CHAPTER I.

PROCEEDINGS ON ELECTIONS FOR ALL PLACES IN
ENGLAND AND WALES, FROM THE ISSUING TO
THE RETURN OF THE WRIT, WITH THE NECES-
SARY FORMS.

A PARLIAMENT shall be held once in every year, or oftener if need be. 4E.3.c.14.
26E.3c.10.

A parliament shall be held at least once in three years. 16C.2.c.1.
s.3.6W.&M.
c.2.s.1.

Within three years from the dissolution of parliament, writs shall be issued for a new parliament. s.2.

By 6 A. c. 7. s. 7. the act of 6 W. & M. c. 2. is declared to extend to the Parliament of Great Britain.

Forty days must intervene between the teste and re- 7 & 8 W. 3.
c. 25. s. 1.
turn of the writs for a new parliament, the lord chan- Forty days
between
teste and
return of
writ.
cellor, lord keeper, or lords commissioners of the Great
Seal, shall issue them.

Fifty days however now intervene, the reason of which appears to be that the twenty-second article of the treaty of union with Scotland limited the power of Queen Ann in calling the first Parliament to a period not less than fifty days from the date of the proclamation, and the same interval has been continued ever since. The writs are now issued

Vid. p.25. by the Lord Chancellor in pursuance of an order made by the king in council at the same time, that the order is made directing the Great Seal to be affixed to a proclamation dissolving the old and convening a new Parliament. On vacancies during the sitting or recess of Parliament they issue *by authority of the House*. They are made out by the clerk of the crown, and are directed to sheriffs of counties, and of cities and towns being counties of themselves, the chancellor of the duchy of Lancaster, the chamberlain of the county palatine of Chester, his lieutenant or deputy, 34 & 35 H. VIII. c.13; the lord bishop of the county palatine of Durham, or his temporal chancellor, 25 C. II. c. 9; the constable of the castle of Dover and the lord warden of the cinque ports, or his deputy.

53 G.3. c.89.
s. 1.
Transmission
of writs.

The messenger of Great Seal shall carry writs to the sheriffs of London and Middlesex, and all other writs to the postmaster-general in London, or his deputy for this purpose appointed, who shall give a receipt for such writs to the messenger, expressing the time of such delivery, and shall keep a duplicate of such acknowledgement, signed by the parties respectively, and shall forward the writs by the next post free of expense, under cover to the proper officer with directions to the postmaster of the nearest town, requiring him to deliver such writs to such officer or his deputy, who shall give to such postmaster a memorandum acknowledging the receipt of such writ, and stating the day and hour the same was delivered, which memorandum shall be signed by such postmaster and transmitted to the postmaster in London, who shall enter the same in a book, and keep such memorandum with the duplicate acknowledgement to the intent that the same may be produced to all persons interested in such elections.

s. 2. The persons to whom the writs are directed shall give notice to the postmaster-general where they hold their offices.

s. 3. Where any such person shall hold his office within five miles of London, Westminster, or Southwark, such notice shall be sent to the messenger of the Great Seal, who is to carry such writs to such office.

These sections relate to the fees and salary to be received by the messenger of the Great Seal. 53.G. 3. c. 89. ss. 4, 5.

Every person who shall wilfully neglect or delay to deliver, or transmit any such writ, or accept any fee, or do anything in violation of that act, shall be guilty of a misdemeanor, and may, upon conviction upon indictment, or information in the king's bench, be fined and imprisoned. s. 6.

Every officer upon receipt of the writ shall indorse thereon the day he received the same, and (except in the cinque ports) within three days after receipt thereof, deliver a precept for the election to the proper officer of every place within his jurisdiction, for which any member is to be elected to serve in such Parliament. 7 & 8 W. 3. c. 25. s. 1. On receipt of writ. Form of precept, p. 27.

The 23 H. VI. c. 14. s. 1. directed the sheriff to deliver a precept under seal to the mayor, or bailiffs where no mayor is, of the cities and boroughs within his county, reciting the writ, and commanding them to choose citizens of cities, and burgesses of boroughs, to come to Parliament.

Officers of the cinque ports shall be allowed six days from the receipt of the writ for the delivery of the precept. 10 & 11 W. 3. c. 7. s. 2. Cinque ports.

No sheriff, under sheriff, mayor, bailiff, constable, portreeve, or other officer, shall give, pay, receive, or take any fee or gratuity whatsoever for the making out receipt, delivery, return, or execution of any writ or precept. 7 & 8 W. 3. c. 25. s. 2.

No annual officer who is to make return of members shall be capable of being elected for the year immediately ensuing, and such annual officer obstructing the choosing of a successor shall forfeit 100*l.*; one moiety to the king, and the other to the person suing for it. 9 A. c. 20. s. 8.

But this act extends only to corporate offices, and therefore it was decided that the portreeve of Penryn as the returning officer was not included within its meaning. 9 East, 469.

3 G. 1. c. 15. Where any high sheriff of any county dies before the
 s. 8. end of the year, or he be lawfully superseded, his under
 Sheriff dying, or deputy sheriff shall supply his place until another
 deputy to sup- sheriff be appointed and sworn, and by s. 11. it appears
 ply his place. that the high sheriff may appoint an under or deputy
 s. 11. sheriff, and in case of the death of the high sheriff, the
 under sheriff may appoint a deputy.

Where there is no known or special returning officer, the delivery of the precept to any elector is good, and where the electors are many, and all in an equal degree, any one may act as returning officer.—Glanv. 37, 38.

If a change of such officer takes place in consequence of death, or determination of the period of office during the election proceedings, his successor shall complete what remains to be done. 1 Doug. 138 Milborne Port.

H. C. 49. But where no new officer is elected before the return of the writ, it seems that the writ must be superseded, and a new one ordered and directed to the new sheriff.

33 G. 3. c. 64. Notice of the time and place of election shall be given
 Notice of the at the usual place or places between 8 A. M. and 4 P. M.
 time and place from the 25th October to the 25th March, and between
 of election. 8 A. M. and 6 P. M. from the 25th March to the 25th
 October; and no notice shall be valid which shall not be
 published within the time aforesaid.

It seems that this notice may be given on a Sunday. 3 Lud. 30.

25 G. 3. c. 84. In elections for knights of a shire, the sheriff shall,
 s. 4. within two days after receipt of the writ, cause proclama-
 Knights of tion to be made of a special county court for the election,
 shires. on any day (Sunday excepted) not later from the day of
 Proclamation making such proclamation than the 16th, nor sooner than
 for election. the 10th.
 Form, p. 27.

7 & 8 W. 3. All county courts for the county of York, or any
 c. 25. s. 9. other county courts theretofore held on a Monday, shall
 York. be held on a Wednesday.

Com. Dig. From the words "or any other county courts" it might be supposed,
 5. 256. that this clause was intended to apply to courts for other counties, but in
 practise it has not been so considered.

County courts for electing knights of shires, begun on 6 G. 2. c. 23. s. 2.
 a day not prohibited by that act, or the 7 & 8 W. III.
 c. 25., may be adjourned over from day to day, though
 the same may happen on a Monday, Friday, or Saturday.

The first sect. of this act prevented the adjournment of any county court to those days, but was repealed by 18 G. II. c. 18. s. 11., which however did not repeal this clause. This will explain the cause of the inconsistency in this provision.

In elections for a town and city being a county, the 19 G. 2. c. 23. s. 7.
 sheriff shall, upon receipt of the writ, give at least three
 days' notice of the time and place of election, which shall Cities and towns being counties, proclamation for election, p. 29.
 take place within eight days exclusive of the day of the
 receipt of the writ, and the day of election.

The officer of the town or borough shall upon the back 7 & 8 W. 3. c. 25. s. 1.
 of the precept indorse the day of his receipt thereof, in
 the presence of the party from whom he received it, and Towns and boroughs, proclamation for election, p. 29.
 giving at least four days' notice (one inclusive and the
 other exclusive) proceed to the election within eight days
 after receipt thereof. 3 Lud. 3. et seq. 40 Journ. 653.

There are express provisions as to making the proclamation at Aylesbury, Cricklade, and New Shoreham, where the election must be not later than twelve, nor earlier than eight days. Vide Aylesbury, Cricklade, and New Shoreham.

In other places the proclamation should be made within the district.

In Wales, the proclamation for the election for the 35 H. 8. c. 11. s. 3.
 shire towns shall be made in the cities, boroughs, and
 towns, which then were or should thereafter be contribu- Shire towns in Wales proclamation for election.
 tary to the payment of the burgesses' wages of the shire
 towns. New Radnor, 1 Doug. 317. Cardigan, 3 Doug. 173.

The place of election for knights of shires shall be 7 & 8 W. 3. c. 25. s. 3.
 where the same has most usually been held for the last
 forty years. Knights of shires place of election.

In a case however in 1770, where the election was held at Pembroke, though Haverford West was the usual place, this objection, though raised, was not deemed valid, and the sitting member was declared duly elected. 3 Lud. 27. 2 Doug. 216. The place however prescribed by the statute

has been considered so important to the validity of the election, that on account of the prisoners then in Winchester, it was, by 20 G. III. c. 1., enacted that the then next election for the county of Southampton should be held at New Alresford.

55 G. 3. c. 72.
Glamorgan-
shire.

The sheriff shall hold his county court for the election for Glamorganshire, and every adjournment thereof at Bridgend in the same county.

35 H. 8. c. 11.
s. 3.
Wales place
of election.

The place of election in Wales shall be such as shall be assigned by the head officer of the shire towns, but this must be considered to be repealed in effect by the 7 & 8 W. III. c. 25. s. 3. declaring it shall be where it has been for the last forty years.

H. B. 164.
Sim. 154.

There is no provision in any act of Parliament as to the place of election for cities or towns being counties, or boroughs or towns, but it must be within the district, and is generally within the guildhall.

The 7 & 8 W. III. c. 25. s. 3. has been stated by writers on this subject to apply to cities and towns being counties, but though the title of the act is general, this section appears to relate merely to elections for knights of shires; and there does not appear to be any reason for such a provision with respect to cities and towns being counties, as an election must always be in the district for which the members are to be chosen.

18 G. 2. c. 18.
s. 7.
Knights of
shires, poll-
booths, clerks.

At elections for knights of shires, the sheriff, or under sheriff, or such as he shall depute, shall erect such number of booths for taking the poll, at the expense of the candidates, as any of them shall, three days before the commencement of the poll, desire; so as the same do not exceed the number of hundreds in the county, and not exceeding in the whole fifteen. The sheriff shall appoint a clerk at each booth at one guinea per day, at the expense of the candidates; and shall make out a list for each booth, of all parishes in the hundred for which such booth is designed, and deliver a copy thereof to the candidate who shall pay for the same two shillings.

But if a contested election takes place unexpectedly, or the sheriff has not been desired to erect booths, he cannot do it at the expense of the candidates, and must take the poll in some open place, as is mentioned in the 7 & 8 W. III. c. 25. s. 3.—H. C. 400.

The sheriffs of the counties of York and Chester shall appoint seven places for taking the poll at elections for the said counties, at the costs and charges of the candidates. 10 Ann. c. 23. ss. 6, 7. York and Chester poll-booths.

This may be done without request.

There is no general provision by any statute as to erecting booths for taking the poll for cities or towns being counties of themselves, except Coventry or in boroughs. Cities and boroughs.

At elections for Coventry, the officer shall cause the booth for holding the election to be erected in the widest and most convenient part of the market-place, called Cross Cheaping, not contiguous to any other building. 21 G. 3. c. 54. s. 14. Coventry poll-booths. vid. act.

By 51 G. 3. c. 126, upon every election for Westminster, a booth for carrying on the election shall be erected, and poll clerks appointed and a cheque book for every poll book allowed at the expense of the candidates. This act, which was to continue in force till the 1st Aug. 1813, was extended by 53 G. 3. c. 152, but expired on the 1st January, 1819. Westminster act expired. 28.

The returning officer shall, on notice in writing three days before the election by any candidate, provide places for administering the oaths, declarations, and affirmations, the expense of which, and of the persons who are to administer the same at a guinea a day each, shall be borne by the candidates. 34 G. 3. c. 73. s. 6. Oaths. Booths for administering.

In all elections of peers for Scotland or members of Parliament, the secretary of war, or person officiating in his place, shall order the removal of the military one day at least before the day of election, to two miles at least out of the place of election, and that they shall not approach nearer until one day after the closing of the poll. 8 G. 2. c. 30. s. 1. Military to be removed by order of the Secretary of war.

8 G. 2. c. 30.
ss. 3, 4.
Exceptions as
to particular
places or
officers or
soldiers voters.
s. 4.

It shall not extend to Westminster or Southwark, in respect of the royal guards or any place where any of the royal family shall be, or any fortified place where any garrison is usually kept, or to any officer or soldier having a right to vote at such elections.

s. 2.
Secretary of
war neglecting
shall be dis-
charged from
his office.

If the secretary of war or any such other person shall not send such orders, and shall be convicted of such neglect at the next assizes, or on an information in the king's bench, within six months after the offence, he shall be discharged from his office, and be for ever incapable of holding any office civil or military, in his Majesty's service.

s. 5.
Secretary of
war.

The secretary of war or such other person shall not be liable to any forfeiture for not sending such order upon an election on a vacancy, unless notice of the writ be given to him by the clerk of the crown or other officer making out such writ.

3 G. 3. c. 24.
s. 7.
Counties.
Officer's at-
tendance with
books of an-
nuities and
rent charges.

At elections for counties, the clerk of the peace, town clerk, or other officer for such county, shall, on notice and at the request of any candidate, attend with the books of entries of the certificates and memorials of annuities and rent charges, having reasonable satisfaction made to him.

s. 8.

Such officer shall for every offence against that act, forfeit 100*l.* to the person suing for it. (within twelve months. s. 9.)

20 G. 3. c. 17.
s. 14.
Knights of
shires or
counties'
officer's at-
tendance with
duplicates of
land tax.

At elections for knights of shires, the clerk of the peace of every county in whose office duplicates of the land tax should be filed, shall, on notice at the request of any candidate, or agent of a candidate, attend with the original duplicates receiving two guineas a day for his attendance, and one shilling and sixpence a mile for expenses.

From the title of this act being general, it may be argued that it extends to elections for cities and towns being counties, as well as to elections for knights of shires. There is no other provision on the subject.

After issuing any writ for the election of knights of shires, the clerk of the peace or deputy, shall attend s. 15.
gratis, from nine to three each day at the place where the records shall be kept from the delivery of such notice Attendance at office.
 to the day immediately preceding the day of election, for the purpose of receiving applications for the inspection of such duplicates, and making copies of such parts of them as he shall be requested. Copies.

If the clerk of the peace or deputy shall not permit such duplicates or any of them to be inspected by any person requesting the same, or shall not deliver the copies *within the time before mentioned*, or shall not attend at the place where the records are kept or at any county election, he shall for every such offence forfeit 500*l.* to the party aggrieved, provided such action be brought within two months, or to any other person suing for it within twelve months, (s. 19.) and on conviction, such clerk of the peace shall lose his office, and be incapable of holding such office for any county whatever. a. 16.

The copies are to be delivered on demand.

s. 13.

The officer of any corporation having the custody of the records of the same, shall, on the demand of a candidate, agent, or two freemen, permit such persons, between nine and three, at any time before and within one month after any election, to inspect the books of admission of freemen, and have copies thereof, and such books shall, if demanded by such persons, be produced by such officer at every election, and be referred to in case any dispute should arise touching the right of any person to vote thereat, and if such officer shall refuse such inspection, or to produce the books if demanded, he shall for every such offence forfeit 100*l.* to any person suing for it within a year. s. 4.

G. 3. c. 15.
Cities, towns, and boroughs, books of freemen.

The entries of admission of freemen or burgesses, upon demand by two such persons, may be inspected, and copies taken at any time whatsoever, between nine s. 2.

G. 3. c. 21.

and three, and the officer on refusal shall forfeit 100*l.* to any person suing for it within a year.

7 H. 4. c. 15.
This act only
applies to elec-
tions for
knights of
shires; but the
proclamation
must be made

On the day of election the sheriff is to make proclamation of the day and place of the parliament.

This is usually done by making proclamation for silence, and, in the case of counties, and cities and towns, being counties by reading the writ, and in the case of other places by reading the precept. before all elections.

23 H. 6.
c. 14. s. 2.
Knights of
shires election.

The sheriff shall commence the election for knights of shires between eight and eleven in the morning.

The time for commencing the election for other places is not regulated by statute.

2 G. 2. c. 24.
s. 3.
Ret. officer.
Bribery oath.

Immediately after reading the writ or precept, the returning officer shall take the oath against bribery, to be administered by a justice of the peace, or in the absence of a justice of the peace, by three of the electors, and which oath so taken, shall be entered among the records of the sessions of such place.

Vid. p. 31.

The act of the 2 G. 2. c. 24, is now to be read.

The bribery oath is required to be taken, and the act against bribery is required to be read, both immediately after the reading of the writ or precept.

3 G. 3. c. 15.
s. 7.
Cities and
boroughs,
p. 34.

In cities and towns being counties and boroughs, where the right of voting is in the whole or in part in freemen, this act is to be read immediately after the act against bribery.

s. 8.
London and
Norwich ex-
cepted.
New
Shoreham,
Cricklade,
Aylesbury.

This act does not extend to London or Norwich.

At New Shoreham the 11 G. 3. c. 55, at Cricklade the 22 G. 3. c. 31, and at Aylesbury the 44 G. 3. c. 60, is read immediately after the act against occasional freemen.

The returning officer is now to call upon the electors to name the candidates.

9 A. c. 5.
ss. 5. 6.
Candidate's
qualification
oath, p. 37.

After nomination each candidate shall, upon request to him to be made at the time of such election, or before the day of the meeting of parliament, by another candidate or by two persons having a right to vote at such

election, take the qualification oath (*i. e.* oath of possessing an estate in land freehold or copyhold, at least for life, of 600*l.* a-year for a knight of the shire, and 300*l.* a-year for any other place).

By 41 G.3. c.101. s.23., and 59 G.3. c.37, the estate may be in England, Wales, town of Berwick-upon-Tweed, Scotland, or Ireland.

It does not extend to the eldest son or heir apparent of a peer or lord of Parliament, or of a person qualified to serve as knight of the shire; or of a Scotch peer; or of a peeress or bishop; or to either of the English universities; or to the college of the Holy Trinity, Dublin.

9 A. c.5. s.2,
Corb. & Dan.
238.
2 Hats. 62. n.
9 A. c.5. s.3.
41 G.3. c.101.
s.23.

The committee of elections in the case of Malden also decided that the candidate might take the qualification oath, either at the election or at any time before the meeting of Parliament. 18 Journ. 129. H. C. 550. Corb. and Dan. 12. *note*.

The oath shall be administered by the officer who is to take the poll or make the return, or by two justices of the peace, and the said persons administering the oath shall certify the taking thereof into chancery, or the king's bench, within three months.

9 A. c.5. s.7.
Oath, adminis-
tration of, pe-
nalty 100*l.*

No fees to be taken except one shilling for such oath, two shillings for the certificate, and two shillings for receiving and filing the same.

s.8.
Penalty 20*l.*

If notice be publicly given of the disability of a candidate afterwards returned, either before the election comes on, or a majority has polled, the election will be avoided on a petition, and the unsuccessful candidate next to him on the poll must ultimately be the sitting member. H. C. 535.

If there shall be no more candidates than legal representatives, then they are to be returned.

It was stated in the case of Nottingham, 1802-3, "that there was no authority to say that a candidate may not be proposed at any time before the return is made." 1 Peck. 83. In Mr. Burke's case also at Bristol, in 1774, the election was commenced on the seventh, and he was first named a candidate on the eighth of October; but the committee decided that he was eligible. 1 Doug. 243,

259; if there shall be more candidates than legal representatives, then by

7 & 8 W. 3. The election must be decided by the view or by a
c. 25. s. 3. poll, if a poll should be demanded it must be granted.
View or poll.

A refusal of a poll when duly demanded, will render the election void, and an eligible candidate or an elector may demand it. Glanv. 7. H. C. 358. *et seq.*)

25 G. 3. c. 84. The poll must commence, at latest the day after it is
s. 1. commenced, except it be Sunday, and be proceeded in from
Poll, com- day to day, but must not continue more than fifteen days.
mencement of, duration 15 days.
duration 15 days. (Sundays excepted.)

11 G. 1. c. 18. In London if a poll be demanded, the officer shall
s. 4. begin it at farthest on the day after, unless it be a Sunday,
London Poll, and shall finish it within seven days, exclusive of Sundays.
duration 7 days.

7 & 8 W. 3. In elections for knights of shires, the sheriff shall not
c. 25. s. 5. adjourn the poll to any other town in the same county,
Knights of shires. without the consent of the candidates.

Poll; no ad- In the case of riots during an election, the returning officer may order
jourment to another town. the offenders to be taken into custody, and carried before a justice of the peace, and should apply to the magistrates to assist in preserving the peace; but should not call in the military unless absolutely necessary, and may make a special return. H. C. 551. to 584.

7 & 8 W. 3. In the county of Southampton the sheriff shall, after
c. 25. s. 10. closing the poll at Winchester within fifteen days, ad-
25 G. 3. c. 84. journ the poll to Newport, in the Isle of Wight, if re-
s. 16. quired by a candidate, so that such adjourned poll shall
Southampton. commence within four days from the close of the poll at Winchester, and continue not longer than three days.

3 G. 2. c. 8. At Norwich one of the checks, a swearer, and a poll
Norwich Act. clerk, are to be admitted into the prison to take the oaths of such electors as are confined for debt.

25 G. 3. c. 84. The poll shall be kept open seven hours daily, except
s. 3. the first day between eight and eight.

Vid. p. 4. The only provision for a sheriff appointing a deputy is in the 3 G. 1. c. 15. s. 11, stated before, but in elections deputies to assist in taking the poll are referred to by 7 & 8 W. III. c. 25. s. 3., & 18 G. 2. c. 18. s. 7. 9., for knights of shires, and by 19 G. 2. c. 28. s. 6. for cities and towns being counties.

In elections for knights of shires, the Sheriff, or such as he shall depute, shall appoint poll clerks, and an inspector of every poll clerk, vid. 18 G. 2. c. 18. s. 7. stated before.

7 & 8 W. 3.
c. 25. s. 3.
Knights of
shires.
Poll clerks.
vid. 18 G. 2.
c. 18. s. 7. p. 6.

There is no general provision for appointing poll clerks, except in elections for knights of shires, though the use of them at all elections, is implied by 25 G. 3. c. 84. s. 7. (Roe. p. 584.), and in London by 11 G. 1. c. 18. s. 1. Poll clerks are directed to be appointed in case a poll is demanded by any candidate or two electors.

London.
Poll clerks.

In election for knights of shires, a cheque book for every poll book, for each candidate, shall be kept by the respective inspectors.

18 G. 2. c. 18.
s. 9.
Knights of
shires'
cheque books.
19 G. 2. c. 28.
s. 6.
Cities and
Towns being
counties.
Cheque books.

In elections for cities and towns being counties a cheque book for every poll book for each candidate shall be kept by inspectors. By this section a poll in writing is implied. Sim. 160.

There is no express provision for allowing inspectors at elections for cities and towns being counties, and no provisions for cheque books, inspectors, or taking the poll in writing at elections, for boroughs and towns, though a penalty of 500*l.* is imposed by 7 & 8 W. 3. c. 25. s. 6. on any officer to whom the execution of an election writ, or precept, doth belong for not delivering a copy of the poll to any person desiring the same.

Poll clerks, before beginning to take such poll, shall be sworn by the returning officers for the faithful discharge of their duty; there is, however, no form in any statute.

7 & 8 W. 3.
c. 25. s. 3.
25 G. 3. c. 84.
s. 7.
Poll clerks.
Oaths, p. 38,

Where there are no commissioners appointed, the administration of the oaths or affirmations, by 7 & 8 W. III. c. 25. s. 3., 10 Ann c. 23. ss. 5, 8., 18 Geo. II. c. 18. s. 1., 19 Geo. II. c. 28. s. 1., and 25 G. III. c. 84. s. 5., is a part of their duty, and by the two former acts in elections for knights of shires, they are to set down the name of each freeholder, and the places of his freehold and of his abode, as he shall declare the same, and for whom he shall poll and enter *jurat*, or if a Quaker *affirmat*, against the name of such voter who shall be sworn; and by the 25 G. III. c. 84. s. 7. in other places they are to set down the name of each voter, and his addition, profession, or trade, and the place of his abode, and for whom he shall poll. There is, however, no provision requiring them to set down the place of the freehold in cities and towns being counties, unless the 10 Ann. c. 23. (the title of which is confined to elections for knights of shires) is considered to extend to counties generally.

Their duty.

34 G. 3. c. 73. Returning officers, at the request in writing of a candidate, shall appoint two or more persons to administer all the oaths or affirmations (except the bribery oath) to the electors, and give them certificates thereof, according to the form in the 34 G. III. c. 73. s. 2. : such persons previously to acting, shall take an oath for the discharge of their duties to be administered by the returning officer
Persons to administer oaths. Vid. p. 38, 40. or his deputy.

There are two oaths, one prescribed by the 34 G. III. c. 73. s. 1., and the other by 42 Geo. III. c. 62. s. 1. The latter is the one usually taken ; but on account of the 43 G. III. c. 74. enacting that the bribery oath shall be taken at the poll, neither of them exactly applies.

34 G. 3. c. 73. s. 5. Returning officers shall provide a proper place for every such person so appointed, to which place the electors are to have free access without interrupting the poll, and each place is to be open at least eight hours every day, between eight in the morning and eight in the evening ; and the oaths or affirmations may be administered to twelve electors at one time, and the returning officer shall deliver to each person so appointed, a sufficient number of blank printed forms of the declarations of fidelity to be subscribed by Quakers, and of the certificates.
Booths for persons to administer oaths open 8 hours daily.
 Vid. p. 39.

s. 4. If during the poll it should be found that the number of persons so appointed is insufficient, the returning officer may, at the request in writing, of any candidate, appoint more persons.
 If number of persons insufficient, more to be appointed.

Vid. p. 40. et seq. Electors shall, if duly required, take the oaths, or, if Quakers, (by the 7 & 8 W. III. c. 34.) or Moravians, (by 22 G. II. c. 30. s. 1.) make the affirmation of their being qualified ; of allegiance and supremacy, or if Quakers or Moravians the declaration of fidelity, 7 & 8 W. III. c. 27. s. 19. ; of abjuration, 6 Ann. c. 23. s. 13. ; (or if Jews, by 10 G. I. c. 4. *see oath* ;) and against bribery, 2 G. II. c. 24. s. 1. ; By the 8 H. VI. c. 7., the sheriff in elections for knights of shires was empowered to examine upon the evangelists, the freeholders, how much he may expend by the year. By the 42 G. III. c. 116. s. 200. persons in respect of land tax redeemed may vote on proving such redemption to the satisfaction of the returning officer, on oath or otherwise.

The electors, before voting, shall apply to any one of the persons so appointed as aforesaid, who shall administer such oaths and affirmations (except against bribery, 43 G. III. c. 74.), and deliver a certificate thereof, and such electors on producing such certificate shall be permitted to poll.

s. 2.
Electors,
before voting,
to apply to
such persons.

Persons offering to vote without producing a certificate, and being lawfully required so to do, shall withdraw and take the oaths or make the affirmations (against bribery excepted) before one of the persons so appointed.

s. 3.

The requisition to an elector to take the oath or affirmation of qualification (except in London) must be by a candidate or person having a right to vote at such election; of allegiance and supremacy (except in London) by a candidate; of abjuration (except in London) by a candidate or person present at the election, and against bribery by a candidate or two electors.

Requisition to
electors for
taking oaths.

All the oaths or affirmations may be administered by the returning officer, or his deputy, or poll clerk, where no commissioner is appointed; but it appears that after the appointment of a commissioner, the oaths or affirmations, except that against bribery, should be administered only by him. 1 Peck. 428. *et seq.*

The oath or affirmation against bribery shall be taken immediately before any elector polls, if demanded by a candidate or two electors.

43 G. 3. c. 74.
Bribery oaths,
see p. 30.

In London it is provided that the liverymen shall take the qualification oath therein stated, and it is declared that the votes of those who refuse or neglect to take this oath shall be rejected and disallowed.

11 G. 1. c. 18.
s. 1.
London.
Oath, see p. 47.

And the liverymen shall also take the oaths of allegiance, and supremacy, and abjuration, (if required by a candidate or two electors.)

s. 2.

At elections for knights of shires the qualification oath therein stated shall be taken.

18 G. 2. c. 18.
s. 1.

Knights of shires. Qualification oath, vid. p. 44.

19 G. 2. c. 28. At elections for cities and towns being counties, the
 s. 1. qualification oath therein stated, as far as respects free-
 Cities and holders, shall be taken.
 towns, being
 counties, freeholders' oath, vid. p. 45.

25 G. 3. c. 84. In elections for places where no oath or affirmation of
 s. 5. qualification other than against bribery or of allegiance,
 Cities, towns, supremacy, and abjuration can be required; every person
 and boroughs. claiming to vote (if required by a candidate or person
 Qualification having a right to vote at such election) shall take the
 oath, p. 46. oath or affirmation therein stated.

Vid. Ayles- This extends to cities and towns being counties, as far as respects all
 bury, Coven- except freeholders, and all other places except Aylesbury, Coventry,
 try, Cricklade, Cricklade, London, New Shoreham, and Norwich.

London, New If an elector when lawfully required, will not take the oaths, his vote
 Shoreham, and should be refused, but it seems by the Gloucestershire case in 1777, if
 Norwich. the elector first refuse the bribery oath and afterwards tender himself to
 Electors take it, his vote ought not to be refused; the committee in that case
 refusing to take having resolved *nem con*, "That the voter might be permitted to take
 the oath. the oath, and vote at any time during the poll. H. C. 445.

If the voter do not understand the oaths in English, they ought to be administered to him in such language as he does understand. H. C. 446.

No oaths but those expressly required by law should be administered to electors, and though the administration of illegal oaths will not render the election void, yet it has been declared by the house of commons to be illegal, and a misdemeanour on the part of the returning officer. Glanv. 109. H. C. 475. 9 Journ. 684. On the other hand, a refusal by the returning or other officer when duly required to administer the oaths prescribed by any act of Parliament, will be punished by the house of commons. In the Westminster case, 16th Dec. 1708, the house resolved that the high bailiff, "in defiance of the law, arbitrarily and illegally refused to tender the oath of abjuration when required, and thereby he was guilty of a high crime and misdemeanour," and it was ordered that he be committed to Newgate.

In elections for knights of shires, no officer appointed to take the poll shall admit any person to vote for any estate sworn to be lying at some place which is not mentioned in the list made out for such booth, unless such estate be in some place not mentioned in any of the lists.

18 G. 2, c. 18.
s. 8.
Knights of shires.
Electors to vote at proper booths.

When a freeholder, however, has voted in a booth for a freehold not lying in the district, contained in the list of that booth, and the poll clerk has taken his vote, the committee on an election petition would not set it aside. 2 Peck. 59. 2 Lud. 414 to 422.

In all elections if an elector should give his vote, it is effectual though the officer should not write it down, and on a poll it must be a good vote, and must be allowed. H. C. 512.; but in elections for knights of shires the vote will not be allowed, if tendered at a wrong booth, and not taken down. 2 Lud. 420.

It was formerly a question whether the electors might vote at the same election for two candidates at different times one after the other. Lord Glenbervie was of opinion that they might, and that opinion was founded in some degree on the words of the oath in the Norwich act. 1 Doug. 287. Mr. Sergeant Heywood, however, is clearly of opinion that they cannot. H. C. 426. *et seq.*; and the resolution of the committee (15 Journ. 135) appears to be decisive on this subject.

Vid. p. 51.

Such votes shall be deemed to be legal as shall have been so declared by the last determination of the house of commons.

28 G. 3. c. 52.
s. 31.,
which repeals
2 G. 2. c. 24.
s. 1. so far as
relates to any
determination
subsequent to
that act.

Where there is a question as to the validity of the vote, it is usual for the returning officer, with the consent of the candidates, to receive it subject to a further consideration, when he may admit or reject it. After the voter had taken the oath, it appears from the old cases, (H. C. 472 to 500,) that the returning officer could not reject his suffrage, and though the act of 7 & 8 W. III. c. 25. s. 7. declaring that one single voice should be admitted for one tenement—the 3 G. III. c. 24. s. 7.

requiring the clerk of the peace to attend with the certificates of annuities—the 20 G. III. c. 24. s. 7. requiring the clerk of the peace to attend with duplicates of the land tax—and the 3 G. III. c. 15. s. 4. requiring the proper officer to attend with the books of freemen have made the duty of the returning officer in a great degree judicial with respect to the determination of the votes tendered on behalf of the different candidates, no powers whatever have been given to enable him to discharge with effect this part of his duty, and he is liable to an action for wilfully rejecting the vote of an elector. H. C. 491.

In case, however, the sheriff should wrongfully reject a vote which has been regularly tendered, and there should be a petition against the election, such vote will not be lost, but will be added to the poll. The decision on the queried votes should be properly made in the evening of each day after the adjournment of the poll. In the Middlesex case 1805, it was a question whether objected votes which the officer had reserved for consideration, could be put on the poll after three o'clock on the fifteenth day. The committee determined that Mr. Mainwaring was not duly elected, and that Sir F. Burdett, who had the minority at three o'clock on the fifteenth day, but would have had the majority if the votes which had been tendered had been examined and admitted, was duly elected. 2 Peck. 370. H. C. 613.

After the election is finished, the poll books are the most authentic evidence of the vote, and therefore in case of any mistake, it ought to be pointed out to the sheriff immediately, or at least before the numbers are declared. H. C. 512.

There is no provision, except in London, for the safe custody of the poll books, during the election.

11 G. 1. c. 18.
s. 4.
London poll
books.

In London the presiding officer is required, upon adjourning the poll on each day, to seal them up with the

seals and in the presence of the candidates desiring it, and the poll books shall not be opened again but at the time and meeting upon such adjournment.

When all the electors present have polled, the returning officer may make three proclamations that the poll will be closed at such an hour, and if none should vote in the interval, the poll may be closed at that time; but if a single vote should be given the proclamation must be repeated again, until the time has elapsed and no voter has appeared. The poll, however, is often closed with the consent of the candidates. 1 Lud. 351, 352.

Close of the poll.

Form of proclamation, vid. p. 47.

If, however, the election should continue till the fifteenth day in any place except London, and in London till the seventh, the poll must be closed at three o'clock P. M. of that day.

The returning officer shall immediately, or on the day next after the final close of the poll, (except in London,) publicly declare the names of the persons having a majority, and shall forthwith make a return of them, unless he, on a scrutiny, being demanded by a candidate or two electors, shall deem it necessary to grant the same.

25 G. 3. c. 84.

s. 1. Returning officer to declare the names of the persons having the majority.

After a proclamation of the majority, the returning officer must not proceed to a scrutiny, without an adjournment. The granting of a scrutiny is altogether at his discretion, except in London.

17 Journ. 73.

If no scrutiny shall be granted,

The sheriff or other officer having the execution or return of a writ, shall, before the day on which any future parliament shall be called, and within fourteen days after the election, return the writ to the clerk of the crown in chancery to be filed, and shall pay four shillings for a knight of the shire, and two shillings for a citizen or burgess, or baron of the cinque ports.

10 & 11 W. 3. c. 7. s. 1. Return of writ in case of no scrutiny.

This act extends only to returns to writs, and there is no provision limiting the time, within which returns to precepts are to be made, where there is either no poll or no scrutiny. It should however be made on the same day, or the day after.

23 H. 6. c. 14.
s. 1.
Penalties.

This act inflicts a penalty of 40*l.*, to be paid to the king, on the mayor or bailiff who shall return any person besides those who are chosen, and 40*l.* to be paid to the person chosen and not returned, but no time is limited for making such return.

11 G. 1. c. 18.
s. 4.
London.
Close of the
poll.

In London, after the poll is finished, the poll books being sealed with the seals and in the presence of the candidates desiring it, shall within two days after, be publicly opened at the place of election, and be truly cast up, and within two days after such casting up, the numbers for each candidate shall be publicly declared to the electors at the place of election by the presiding officer, and if a scrutiny be lawfully demanded it shall be granted, and the candidates shall immediately nominate not more than six persons qualified to vote, to be scrutineers for the candidates on each side, to whom the officers shall within six days after demand of scrutiny, upon request, and at the charge of a candidate or scrutineer, deliver a true copy, signed by such officer, of the poll, and the scrutiny shall begin within ten days after the delivery of the copy of the poll, and be proceeded in from day to day, (Sundays excepted,) and be finished within fifteen days after the commencement thereof, and the presiding officer shall, within four days after finishing such scrutiny, publicly declare which of the candidates are duly elected, and the number of votes appearing for each candidate on such scrutiny.

Scrutiny.

s. 6.
London.

The mayor of London shall, upon request of a candidate or agent, where a scrutiny is demanded and granted, issue precepts requiring the masters and wardens of the livery companies to cause their clerk to return him two lists of their respective liverymen, and the clerks shall return such lists within three days after receipt of such precepts, and one list shall be delivered to the candidates on each side, or their agents.

In London the officer shall deliver within six days a list of the votes disallowed upon such scrutiny, to any candidate demanding the same upon the final declaration of the election. No such list, however, is to be evidence in any action.

^{s. 5.}
London.

If a scrutiny be granted and the returning officer shall proceed thereupon, and if there be more parties than one objecting to votes on such scrutiny, he shall decide alternately on the votes given for the different candidates against whom it shall be carried on.

^{25 G. 3. c. 84.}
^{ss. 1. 2.}
Scrutiny generally.

The returning officer may, during a scrutiny, administer an oath to any person consenting to take the same, touching the right of any person having voted at such election, or any other thing necessary towards carrying on such scrutiny.

^{s. 6.}
Administer oaths. No provision to take affirmations; but ^{s. 8.} makes a person affirming falsely, guilty of perjury.

Whenever a scrutiny is granted, every officer having the return of the writ on a general election, shall cause a return to be filed in the crown office before the return day of the writ, and every other officer acting under a precept or mandate, shall make a return at least six days before the return day of the writ, and in case of a writ issued during the session, or prorogation of parliament and a scrutiny being granted, then a return shall be made within thirty days after the close of the poll (or sooner if it can be conveniently done).

^{s. 1.}
Return in case of a scrutiny, when to be made.

In case of an equality of votes, the returning officer has not a casting voice without the aid of a custom or some other special matter, and a double return may be made. H.C. 601, 609.

The returning officer, shall within twenty days after the election for knights of shires, deliver over upon oath, (which the two next justices of the peace, one of whom is to be of the quorum, shall administer) unto the clerk of the peace of the same county, all the poll books of such election, without any embezzlement or alteration, and where there is more than one clerk of the peace, then

^{10 A. c. 23.}
^{s. 5.}
Knights of shires.
Returning officer to deliver poll books to clerk of the peace.

the original books to one clerk, and attested copies thereof to the rest to be kept among the records of the sessions of the peace for such county.

No provision
as to cities or
boroughs.

There is no provision for preserving the poll books of elections for cities and towns being counties, or for boroughs; copies however of them must be given to every person desiring the same by 7 & 8 W. 3. c. 25. s. 6. under a penalty of 500*l*.

Return.

At the close of the scrutiny, when the choice of the electors is ascertained, the returning officer should make his return. By 7 H. 4. c. 15. & 23. H. 6. c. 14., the names of the persons chosen shall be written on an indenture under the seals of the electors; this is done in the case of an election under a precept by an indenture between the sheriff of the one part, and the returning officer and electors of the other part, which should then be remitted to the sheriff; and in the case of an election under a writ by an indenture between the sheriff of the one part, and the electors of the other part; which, with the returns to the precept, should be tacked to the writ, and returned to the clerk of the crown office.

Forms, vid.
pp. 47. 49.

Double re-
turns.
Roe, 1 Vol.
796. *et seq.*

In the following cases double returns may be made:—1. Where there is an equality of numbers. 2. Where it is disputed who is the returning officer. 3. Where the right of election is disputed, and the candidates have majorities on the different alleged rights. 4. Where there is a doubt as to the eligibility of the candidates having the majority. 5. Where a scrutiny is granted by the returning officer, but not finished at the time when the writ is returnable. When double returns are made to the sheriff, he must return them both at the same time with the writ.

7 & 8 W. 3.
c. 7. s. 1., con-
tinued by
12 & 13 W. 3.
c. 5., and made
perpetual by
12 A. st. 1.
c. 15.
False returns
prohibited.

All false returns of members to serve in Parliament are prohibited, and in case any person shall return any member to serve in Parliament for any place contrary to the last determination in the house of commons, of the right of election in such place, such return shall be adjudged to be a false return.

s. 2.
Party ag-
grieved, dou-
ble damages.

The party aggrieved by such false return (*i.e.* the person duly elected) may sue the officers and persons making or procuring the same, in any of the courts of Westminster, and shall recover double damages with full costs.

s. 3.
Return of
more persons
than required
by law.

The like remedy may be had against officers returning more persons than required by the writ or precept, and the parties that procure the same.

s. 4.
Contracts to

All contracts and securities to procure any return shall be adjudged void, and whoever makes or gives such con-

tract or any gift to procure such false or double return, shall forfeit 300*l.* one-third part to his Majesty, one-third part to the poor of the place, and one-third part to the informer, with his costs, to be recovered in any court of record at Westminster, the action for which shall be brought within two years.

procure
returns void.
300*l.* penalty
on persons
making them.

s. 6.

If any person shall give, or promise to give, any money or reward to another person, with an agreement that he shall endeavour to procure the return of any person to Parliament, he shall, if not returned himself, for every such gift or promise, forfeit 1000*l.*; and if returned he shall be disabled to serve in that Parliament for such place, and be as if he had never been returned an M. P. And any person who shall receive any such money or reward or promise, shall forfeit the value of such reward, besides 500*l.*

49 G. 3. c. 11.
s. 1. extends to
England,
Scotland, and
Ireland.
Penalty on en-
tering into an
engagement for
money to procure
returns.

This act shall not extend to legal expences.

s. 2.

If any person shall enter into or know of any agreement to give or procure any office to be given to any one upon any *express* agreement, that he shall endeavour to procure the return of any person to Parliament, he shall be disabled to serve for such place, and be as if he had never been returned an M. P.; and any person who shall accept any such office upon such *express* agreement, shall forfeit such office and 500*l.*; and any person holding any office under his Majesty, who shall give such office upon such *express* agreement, shall forfeit 1000*l.*

s. 3.
Penalty on
entering into
engagement to
procure an
office to pro-
cure return.

Any action under that act shall be commenced within two years.

s. 4.

If any sheriff or returning officer shall wilfully delay, neglect, or refuse to return any person who ought to be returned for any place within Great Britain, every such person may, in case it shall have been determined by a select committee, that he ought to have been returned, sue the sheriff or other officer in any of the courts at Westminster, or the court of session in Scotland, and

25 G. 3. c. 84.
s. 14.
In case of
determination
of a committee,
the person who
ought to have
been returned
shall recover
double
damages.

shall recover double damages together with full costs of suit.

25 G. 3. c. 84.
s. 10.

If no return
made in par-
ticular cases,
an elector
may petition
the house.

Provides that when no return has been made to a writ before the return day thereof, or on a writ issued during a session or prorogation of Parliament within 52 days after the date thereof; or if the return made in either of such cases be not a return of members, but contain special matters concerning such election, any person claiming to have a right to vote at such election, may petition the house of commons concerning the same.

7 & 8 W. 3.

c. 7. s. 5.
Clerk of the
crown.

Entering re-
turns.

The clerk of the crown shall enter in a book to be kept in his office, every single and double return of any members of Parliament which shall come into his office or to his hands, and every alteration and amendment made by him in every such return, to which book all persons shall have access to search and take copies thereof paying a fee for the same; and such book or a true copy thereof may be given in evidence at any trial, and in case the clerk of the crown shall not within six days after any return shall come into his office, make such entry as aforesaid, or shall make any alteration in any return unless by order of the house of commons, or give any certificate of any person not returned, or shall wilfully neglect to perform his duty in the premises, he shall for every such offence forfeit to the party aggrieved 500*l.* to be recovered in the courts at Westminster, and shall also forfeit his said office, and be incapable of holding the same.

s. 6.

Every information or action under that act shall be brought within two years.

April 12, 1890.
10 Journ. 377.

After a return is made into the crown office, it shall be altered only by the house, for which purpose the clerk of the crown when ordered attends with his book, and amends the return by erasing or altering the name; or in case of a double return taking the void one off the file, and letting the other remain.

Order to the Lord Chancellor for passing two Proclamations under the Great Seal.

At the court at pre-Commence-
sent the King's most excellent Majesty in council : ment of Forma

It is this day ordered by his Majesty in council, that Orders to Lord
the right honourable the lord high chancellor of that Chancellor.
part of the united kingdom called Great Britain, do
cause the Great Seal to be affixed to two proclamations,
the one for dissolving the present Parliament, and call-
ing a new one; and the other for electing and summoning
the sixteen peers of Scotland to sit in the said parliament.

Orders to the Lord Chancellors of Great Britain and Ireland to issue writs for calling a new Parliament.

His Majesty having been pleased by his royal pro-
clamation, to dissolve the present Parliament, is hereby
pleased, with the advice of his privy council, to order
that the right honourable the lord high chancellor of
that part of the united kingdom called Great Britain,
and the right honourable the lord high chancellor of
Ireland do respectively cause writs to be issued in due
form and according to law for the calling of a new Par-
liament to meet at the city of Westminster, which writs
are to be returnable on the day of
next.

The writ to the Sheriff on a General Election.

George the fourth, by the grace of God, of the
united kingdom of Great Britain and Ireland, king,
defender of the faith, and so forth.—To the sheriff of
the county of Oxford, greeting. Whereas, by the ad-
vice and assent of our council, for certain arduous and
urgent affairs concerning us, the state and defence, of

Writ.

our kingdom of Great Britain and the church, we have ordered a certain Parliament to be holden at our city of Westminster, on the day of next ensuing, and there to treat and have conference with the prelates, great men, and peers of our realm, we command and strictly enjoin you, that (proclamation being made of the day and place aforesaid, in your next county court to be holden after the receipt of this our writ) two knights of the most fit and discreet of the said county, girt with swords, [and of the university* of Oxford two burgesses] and of every city of that county two citizens, and of every borough in the same county two burgesses, of the most sufficient and discreet, freely and indifferently *by those who at such proclamation shall be present according to the form of the statutes in that case made and provided, you cause to be elected; and the names of those knights, citizens and burgesses, so to be elected,* (whether they be present or absent,) you cause to be inserted in certain indentures to be thereupon made between you and those who shall be present *at such election*, and then at the day and place aforesaid you cause to come, in such manner that the said knights, for themselves and the commonalty of the same county, and the said citizens and burgesses for themselves, and the commonalty of the said [university] cities, and boroughs respectively, may have from them full and sufficient power to do and consent to those things which then and there, by the common council of our said kingdom (by the blessing of God) shall happen to be ordained upon the aforesaid affairs, so that for want of such power, or through an improvident election of the said knights, citizens, or burgesses, the aforesaid affairs may in no wise remain unfinished; *willing, neverthe-*

* The writs to the sheriff are all in the same form, except in *this* and in *that* to the sheriff of Cambridgeshire, there is this clause for the election of members for the respective universities. Doug. 1 vol. 450.

less, that neither you nor any other sheriff of this our said kingdom be in any wise elected; and that the election in your full county so made distinctly and openly, under your seal and the seals of those who shall be present at such election, you do certify to us in our chancery, at the day and place aforesaid without delay, remitting to us one part of the aforesaid indentures annexed to these presents, together with this writ. Witness ourself at Westminster, the day of , in the year of our reign.

To be indorsed when returned.

The execution of this writ appears in certain schedules hereunto annexed. A. B. Sheriff.

to wit. } A. B. Esq. sheriff of the county aforesaid, Notice of the election of two members to serve in parliament at the general election for knights of shires.

} said, having received his Majesty's writ, under the Great Seal of Great Britain, for the electing two knights to serve for this county in the Parliament to be holden at the city of Westminster, on the day of next, do, in obedience to the said writ, and of the several statutes in that case made, hereby proclaim and give public notice, that at a special county-court, which will be held at in and for the said county, on the day of this instant , at ten of the clock in the forenoon, pursuant to the statute in that case made and provided, I shall proceed to such election, when and where all persons interested therein will be heard, and are to give their attendance accordingly. Dated the day of

18

By the same Sheriff.

—shire } A. B. Esq. sheriff of the county aforesaid, Precept to the mayor, bailiff, &c. of the city, town, &c. of R. to return two members.

to wit. } [to the mayor, bailiff, constables, and bur-
gesses of the city, town, or borough of R. as the case may be] greeting. By virtue of his Majesty's writ under

the Great Seal of Great Britain, to me directed, for the electing of two [citizens or burgesses] to serve for the city of R. aforesaid, in a certain parliament, ordered by his Majesty to be holden at his Majesty's city of Westminster; on the day of next ensuing. These are to will and require you, that (proclamation within the said of the day and place of election being first made) you cause freely and indifferently to be elected, two of the most sufficient and discreet, by those who at such proclamation shall be present, according to the form of the statutes in that case made and provided; and the names of those [citizens or burgesses] so to be elected (whether they be present or absent) you cause to be inserted in certain indentures, to be thereupon made, between me and those who shall be present at such election: and then, at the day and place aforesaid, that you cause to come, in such manner that the said

Citizens or
burgesses.

for themselves and the commonalty of the said [city or borough] may have from them full and sufficient power to do and consent to those things which then and there, by the common-council of the kingdom, (by the blessing of God) shall happen to be ordained; but you are not to elect me, or any other sheriff of this kingdom; and the said election you are forthwith to certify to me, sending to me one part of the said indentures annexed to this precept, that I may certify the same to his Majesty, in his Chancery: hereof you are not to fail. Given under the seal of my office, the day of in the year of the reign of king George the fourth, and in the year of our Lord 18

By the same sheriff.

Indorsement
thereon.

Received of the within-named sheriff this precept, by the hands of Mr. A. B. on the day of 18 at of the clock in the forenoon, by me,

J. J. mayor [or bailiff] of R.

Proclamation made on the day of
 18 at the usual place within the of R.
 within mentioned, to proceed to election there on the
 day of at of the
 clock in the forenoon of the same day.

Mayor [or bailiff] of R.

The execution of this precept appears in a certain Return of the
precept.
 schedule hereunto annexed.

Notice of Election for a City, Town, or Borough.

 of in the } I, A. B. [Mayor Notice of
 county of } or bailiff of the election for
said [city, town, or borough, as the case may be,] city, &c.
 do hereby give notice that I shall proceed to the election
 of two citizens or burgesses to serve in Parliament for the
 said city, or town, or borough, at the town hall of the
 said city, town, or borough, on next, the day
 of , at o'clock in the forenoon. Dated
 this day of 18 .

A. B.

*Oath against Bribery by returning Officer, vid. s. 3.
 of following act, p. 31.*

The stat. 2 G. 2. c. 24., *An act for more effectually* Act to prevent
preventing bribery and corruption in the elections of bribery.
members to serve in Parliament.

(To be read at all elections.)

“Whereas it is found by experience, that the laws Extended to
already in being have not been sufficient to prevent elections of
corrupt and illegal practices in the election of members delegates in
to serve in Parliament: for remedy, therefore, of so Scotland by
16 G. 2. c. 11.
 great an evil, and to the end that all elections of mem-
 bers to Parliament may hereafter be freely and indifferently
 made, without charge or expense,” Be it enacted, by the
 king’s most excellent Majesty, by and with the advice and

Electors of
parliament-
men to take
the following
oath, if
demanded.

Electors oath.

Presiding
officer to ad-
minister it on
forfeiture of
50l.

consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twenty-fourth day of June, in the year of our Lord 1729, upon every election of any member or members to serve for the commons in Parliament, every freeholder, citizen, freeman, burgess, or person having or claiming to have a right to vote or be polled at such election, shall, before he is admitted to poll at the same election, take the following oath, (or, being one of the people called Quakers, shall make the solemn affirmation appointed for Quakers,) in case the same shall be demanded by either of the candidates, or any two of the electors: that is to say, "I, *A. B.* do swear, (or being one of the people called Quakers, I, *A. B.* do solemnly affirm,) I have not received, or had by myself, or any person whatsoever in trust for me, or for my use and benefit, directly or indirectly, any sum or sums of money, office, place, or employment, gift, or reward, or any promise or security for any money, office, employment, or gift, in order to give my vote at this election, and that I have not been before polled at this election." Which oath or affirmation the officer or officers presiding or taking the poll at such election is and are hereby empowered and required to administer gratis, if demanded as aforesaid, upon pain to forfeit the sum of fifty pounds of lawful money of Great Britain, to any person that shall sue for the same, to be recovered, together with full costs of suit by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, wager of law, or more than one imparlance shall be admitted or allowed; and if the said offence shall be committed in that part of Great Britain, called Scotland, then to be recovered, together with full costs of suit, by summary action or complaint before the court of session, or by prosecution before the courts of justiciary there, for every

neglect or refusal so to do; and no person shall be admitted to poll, till he has taken and repeated the said oath in a public manner, in case the same shall be demanded as aforesaid, before the returning officer, or such others as shall be legally deputed by him.

§ 2. And be it further enacted, that if any sheriff, Sheriff or other returning officer admitting any to be polled before sworn, to forfeit 100l. mayor, bailiff, or other returning officer, shall admit any person to be polled without taking such oath or affirmation, if demanded as aforesaid, such returning officer shall forfeit the sum of one hundred pounds, to be recovered in manner aforesaid, together with full costs of suit; and that if any person shall vote or poll at such election, without having first taken the oath, or if a Voters to incur the like penalty. Quaker, made his affirmation as aforesaid, if demanded, such person shall incur the same penalty, which the officer is subject to for the offence above mentioned.

§ 3. And be it further enacted by the authority aforesaid, that every sheriff, mayor, bailiff, headborough, or other person, being the returning officer of any member to serve in Parliament, shall, immediately after the reading the writ, or precept for the election of such member, take and subscribe the following oath, viz.

“I, A. B. do solemnly swear, that I have not, directly Repealed so far as it relates to the returning officers in Scotland, by stat. 16 G. 2. c. 11. s. 38.; the s. 35. of which act substitutes another oath for them. or indirectly received any sum or sums of money, office, place, or employment, gratuity or reward, or any bond, bill, or note, or any promise or gratuity whatsoever, either by myself or any other person to my use, or benefit, or advantage for making any return at the present election of members to serve in parliament; and that I will return such person or persons as shall to the best of my judgment appear to me to have the majority of legal votes.”

Which oath any justice or justices of the peace of the said county, city, corporation, or borough where such election shall be made, or in his or their absence, any three of the electors are hereby required and authorised

to administer; and such oath, so taken, shall be entered among the records of the sessions of such county, city, corporation, and borough as aforesaid.

What votes shall be deemed legal. Repealed by st. 28 G. 3. c. 52, s. 31. so far as respects any determination to be made subsequent to that act.

Penalty of wilful perjury.

§ 4. And be it enacted by the authority aforesaid, that such votes shall be deemed to be legal, which have been so declared by the last determination, in the house of commons; which last determination, concerning any county, shire, city, borough, cinque-port, or place, shall be final to all intents and purposes whatsoever, any usage to the contrary notwithstanding.

§ 5. And be it further enacted by the authority aforesaid, that if any returning officer, elector, or person taking the oath or affirmation hereinbefore mentioned, shall be guilty of wilful and corrupt perjury, or of false affirming, and be thereof convicted by due course of law, shall incur and suffer the pains and penalties, which by law are enacted or inflicted, in cases of wilful and corrupt perjury.

Persons convicted, never capable to vote.

§ 6. And be it further enacted by the authority aforesaid, that no person convicted of wilful and corrupt perjury, or subornation of perjury, shall, after such conviction, be capable of voting in any election of any member or members to serve in Parliament.

Persons taking money or reward for their vote, &c. to forfeit 500*l.* and disabled to vote, &c.

§ 7. And be it further enacted by the authority aforesaid, that if any person, who hath, or claimeth to have, or hereafter shall have or claim to have, any right to vote in any such election, shall from and after the said 24th day of June, which shall be in the year of our Lord 1729, ask, receive, or take any money, or other reward, by way of gift, loan, or other device, or agree or contract for any money, gift, office, employment, or other reward whatsoever, to give his vote, or to refuse or forbear to give his vote in any such election; or if any person by himself, or any person employed by him, doth or shall by any gift or reward, or by any promise, agreement, or security for any gift or reward, corrupt or procure any person or persons to give

his or their vote or votes, or to forbear to give his or their vote or votes, in any such election; such person so offending in any of the cases aforesaid shall, for every such offence, forfeit the sum of five hundred pounds of lawful money of Great Britain, to be recovered as before directed, together with full costs of suit: and every person offending in any of the cases aforesaid, from and after judgment obtained against him in any such action of debt, bill, plaint, or information, or summary action, or prosecution, or being any otherwise lawfully convicted thereof, shall for ever be disabled to vote in any election of any member or members to Parliament; and also shall for ever be disabled to hold, exercise, or enjoy any office or franchise, to which he and they then shall, or at any time afterwards may be entitled, as a member of any city, borough, town corporate, or cinque-port, as if such person was naturally dead.

§ 8. And be it further enacted, by the authority aforesaid, that if any person offending against this act shall, within the space of twelve months next after such election as aforesaid, discover any other person or persons offending against this act, so that such person or persons so discovered be thereupon convicted, such person so discovering, and not having been before that time convicted of any offence against this act, shall be indemnified, and discharged from all penalties and disabilities which he shall then have incurred by any offence against this act.

§ 9. And for the more effectual observance of this act, be it enacted, that all and every the sheriffs, mayors, bailiffs, and other officers, to whom the execution of any writ or precept for electing any member or members to serve in Parliament shall belong or appertain, shall, and are hereby required, at the time of such election, immediately after the reading such writ or precept, read or cause to be read openly before the electors there assembled this present act, and every clause therein contained; and

Offenders, within twelve months after the election discovering others, indemnified.

2 G. 2. c. 24.
This act to be read by the returning officer after reading the writ.

And at the
quarter ses-
sions after
Easter.

the same shall also openly be read once in every year, at the general quarter sessions of the peace, to be holden next after Easter, for any county or city; and at every election of the chief magistrate in any borough, town corporate, or cinque-port; and at the annual election of magistrates and town counsellors for every borough within that part of Great Britain called Scotland.

Wilful offence
forfeits 50l.

§ 10. And be it further enacted, by the authority aforesaid, that every sheriff, under sheriff, mayor, bailiff, and other officer, to whom the execution of any writ or precept for the electing of members to serve in Parliament doth belong, for every wilful offence, contrary to this act, shall forfeit the sum of fifty pounds, to be recovered, together with full costs of suit, in the manner before directed.

Prosecution to
commence
within two
years.

9 G. 2. c. 38.
No person
liable to any
penalty, unless
arrested or
served with
process within
two years after
the offence.

§ 11. Provided always, and it is hereby declared and enacted by the authority aforesaid, that no person shall be made liable to any incapacity, disability, forfeiture, or penalty by this act laid or imposed, unless prosecution be commenced within two years after such incapacity, disability, forfeiture or penalty shall be incurred, or in case of a prosecution, the same be carried on without a wilful delay; any thing herein contained to the contrary notwithstanding.

Act against oc-
casional free-
men voting.

The stat. 3. G. 3. c. 15., *An Act to prevent occasional Freemen from voting at Elections of Members to serve in Parliament for Cities and Boroughs.*

(To be read at all Elections where the Right of Election is in the whole, or in part, in Freemen.)

None to vote
as freemen at

“Whereas great abuses have been committed in making freemen of corporations, in order to influence elections of members to serve in parliament, to the great infringement of the rights of freemen of such corporations, and of the freedom of elections;” to prevent such practices for the future, Be it enacted by the king’s most ex-

cellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in Parliament assembled, and by authority of the same, that from and after the first day of May, 1763, no person whatsoever claiming as a freeman to vote at any election of members to serve in Parliament, for any city, town, port, or borough, in England, Wales, and the town of Berwick-upon-Tweed, where such voter's right of voting is as a freeman only, shall be admitted to give his vote at such election, unless such person shall have been admitted to the freedom of such city, town, port, or borough, *twelve calendar months before the first day of such election*; and if any person shall presume to give his vote as a freeman at any election of members to serve in Parliament, contrary to the true intent and meaning of this act, he shall for every such offence, forfeit and pay the sum of one hundred pounds to him, her, or them, who shall inform and sue for the same; and the vote given by such person shall be void and of no effect.

elections of members, but such as have been admitted to their freedom twelve months before such election,

2. Provided always, that nothing herein contained shall extend, or be construed to extend to any person entitled to his freedom by birth, marriage, or servitude, according to the custom or usage of such city, town, port, or borough.

3 G. 3. c. 15. Persons entitled to their freedom by birth, marriage, or servitude, expected.

3. And be it further enacted, by the authority aforesaid, that if any mayor, bailiff, sheriff, town-clerk, or other officer of any corporation, or other person whatsoever, shall wilfully and fraudulently antedate, or cause to be antedated, any admission of any freemen, such mayor, bailiff, sheriff, town-clerk, officer, or other person, shall, for every such offence, forfeit and pay the sum of five hundred pounds to him, her, or them, who shall inform and sue for the same.

Penalty of antedating the admission of any freeman 500*l*.

4. And be it further enacted, by the authority aforesaid, that the mayor, bailiff, sheriff, town-clerk, or other officer of any corporation, having the custody of, or power

The books and papers of admission of freemen to be open

to inspection
upon the de-
mand of the
candidate, his
agent, or two
freemen, upon
payment of 1s.

And copies
and minutes of
the admissions
to be given,
paying reason-
ably for writ-
ing the same,
and the books,
&c. to be pro-
duced, if de-
manded, at
every election,

on penalty of
100l.

The penalties
may be reco-
vered with full
costs of suit.

Provided the
prosecution be
commenced
within a year.

over, the records of the same, shall, upon the demand of any candidate or his agent, or any two freemen, on the payment of one shilling, permit such candidate, agent, or freemen, between the hours of nine in the morning and three in the afternoon, at any time before, and within one month after, any such election as aforesaid, to inspect the books and papers wherein the admission of freemen shall be entered; and to have copies or minutes of the admission of so many freemen, as such candidate, agent, or freemen shall think fit, upon paying to such mayor, bailiff, sheriff, town clerk, or other officer, a reasonable charge for writing the same; and such books and papers shall, if demanded by such candidate, agent, or freemen, be produced by such mayor, bailiff, sheriff, town clerk, or other officer, at every election, and be referred to, in case any dispute shall arise touching the right of any person to give his vote thereat; and if such mayor, bailiff, sheriff, town clerk, or other officer shall refuse or deny such candidate, agent, or freemen, the inspection of such books and papers, or to have copies or minutes thereof, or shall refuse or neglect to produce such books and papers at any election, if demanded, and paid for in the manner hereinbefore set forth, such mayor, bailiff, sheriff, town clerk, or other officer, shall, for every such offence, forfeit and pay the sum of one hundred pounds to him, her, or them, who shall inform and sue for the same.

5. And be it further enacted, by the authority aforesaid, that all forfeitures or penalties laid or imposed by this act, shall be recovered with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster; wherein no essoin, protection, wager of law, or more than one imparlance shall be allowed.

6. Provided always, and it is hereby further enacted and declared, by the authority aforesaid, that no person shall be liable to any forfeiture or penalty by this act laid

or imposed, unless prosecution be commenced within one year after such forfeiture or penalty shall be incurred.

7. And be it further enacted, by the authority aforesaid, that the returning officer shall read or cause to be read openly, this act, at the time of election of members to serve in Parliament for cities, towns, ports, or boroughs, where the right of election is in the whole, or in part, in freemen as aforesaid, immediately after the reading of the act passed in the 2d year of his late Majesty's reign, intituled, *An act for the more effectual preventing bribery and corruption in the elections of members to serve in Parliament.*

This act to be openly read by the returning officer at all elections by freemen, immediately after act 2 G. 2. c. 24.

8. And be it further enacted, by the authority aforesaid, that nothing in this act shall extend or be construed to extend, to the cities of London or Norwich.

This act not to extend to London or Norwich.

The Form of the Candidate's Oath, to be taken (if required. Vid. p. 10 and 11.) by stat. 9 Ann. c. 5. s. 5.

Candidates qualification oath.

I, *A. B.* do swear, That I truly, and *bona fide*, have such an estate in law or equity, to and for my own use and benefit of or in lands, tenements, or hereditaments (over and above what will satisfy and clear all incumbrances that may affect the same,) of the annual value of [six hundred pounds for a knight of a shire, or three hundred pounds for any other place,] above reprises, as doth qualify me to be elected and returned to serve as a member for the [county, city, town, or borough] of according to the tenor and true meaning of the Act of Parliament in that behalf; and that my said lands, tenements, or hereditaments, are lying or being within the parish, township, or precinct of or in the several parishes, townships, or precincts of in the county of or in the several counties of [as the case may be.]

The Oath to be taken by Poll Clerks at County Elections.

Poll Clerks' oath at county elections, 7 & 8 W. 3. c. 2. H. C. p. 393.

As no form of oath is given in the statute, the poll clerks may be sworn as follows: "I do swear that I will at this election of a member (or members) to serve in Parliament for the county of——, truly and indifferently take the poll, and set down the name of each freeholder, and the place of his freehold, and for whom he shall poll, and to poll no freeholder, who is not sworn or put to his affirmation, if so legally required."

So help me God.

Oath to be taken by Poll Clerks in all Cities and Boroughs, to be administered by the Returning Officer, by 25 G. 3. c. 84. s. 7. [No form in the Statute.]

Poll Clerks' oath in cities and boroughs.

I do swear, that I will, at this election of a member, or members, to serve in Parliament for the city, town, or borough (as the case may be,) of truly and indifferently take the poll, and set down the name of each voter, and his addition, profession, or trade, and the place of his abode, and for whom he shall poll; and I will poll no person who is not sworn or put to his affirmation, if so legally required.

So help me God.

The Oath to be taken by Persons appointed under the stat. 34 G. 3. c. 73. s. 1. to administer Oaths to Electors.

34 G. 3. c. 73. oath of persons appointed to administer oaths.

I do swear, that I will faithfully and impartially administer the oaths of allegiance, supremacy, and abjuration, and the declaration of fidelity, and declaration or affirmation of the effect of the said oath of abjuration to such persons as shall lawfully apply to me in that behalf, in order to qualify themselves to vote at this election; and that I will, on being thereunto requested, fairly and truly give to every such person, or any of them, who shall

take such oaths, or subscribe such declaration of fidelity, and make such declaration or affirmation of the effect of the said oath of abjuration, or either of them, before me, a certificate thereof, according to the direction of an Act of Parliament, made in the thirty-fourth year of the reign of his Majesty, king George the third, intituled, *An Act for directing the appointment of commissioners to administer certain oaths and declarations, required by law to be taken and made by persons offering to vote at the election of members to serve in parliament*; and that I will not give such certificate to any person before he shall have taken such oath or oaths, or made or subscribed such declaration, or declarations, affirmation or affirmations, as shall be mentioned in such certificate before me in my presence. So help me God.

Form of a Certificate of taking the Oaths before a Commissioner, under stat. 34 G. 3. c. 73. s. 2.

A. B. [naming the person taking the oath] of [naming the place of such person's abode, and his addition or occupation] has taken the oath or oaths, of [naming the said oath or oaths, so administered] before me, this day of C. D.

Certificate of persons having taken the oaths.

Form of a Certificate of Quakers subscribing the Declaration of Fidelity, and affirming the Effect of the Oath of Abjuration before a Commissioner, under stat. 34 G. 3. c. 73. s. 2.

A. B. [naming the person subscribing or affirming] of [naming the place of such person's abode, and his additional occupation] has made and subscribed the declaration of fidelity, and affirmed the effect of the oath of abjuration, [or, if only one of those acts has been done, then naming such one act only] before me, this day of C. D.

This will extend to Moravians.

Certificate of persons subscribing.

The Oath to be taken by persons appointed under the stat. 42 G. 3. c. 62. s. 1. to administer Oaths to Electors.

42 G. 3. c. 62.
oath of persons
appointed
to administer
oaths, declara-
tions, and
affirmations.

I do swear, that I will faithfully and impartially administer the oaths, and take the declarations and affirmations, now required by law to be taken or made by voters at elections for members to serve in Parliament, to and from such persons as shall lawfully apply to me in that behalf, in order to qualify themselves to vote at this election: And that I will, on being thereunto requested, fairly and truly give to every such person, or any of them, who shall take such oaths, or make such declarations or affirmations respectively, or any of them, before me, a certificate thereof; and that I will not give such certificate to any person before he shall have taken such oath or oaths, or *make* such declaration or declarations, affirmation or affirmations respectively, as shall be mentioned in such certificate, before me, and in my presence.

*make, so in
the act.*

So help me God.

Oath of allegi-
ance, vid. p. 15

The Oath of Allegiance directed to be taken by 7 & 8 W. 3. c. 27. s. 19. as altered by stat. 1 G. 1. st. 2. c. 13. s. 1.

I, *A. B.* do sincerely promise and swear, that I will be faithful, and bear true allegiance to his Majesty king George.

So help me God.

The Oath of Supremacy as altered by the 1 G. 1. st. 2. c. 13. s. 7.

Oath of Supre-
macy, vid.
p. 15.

I, *A. B.* do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare that no foreign prince, person, prelate, state, or potentate, hath,

or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm.
So help me God.

The Declaration of Fidelity, appointed to be made and subscribed by Quakers, instead of the two preceding oaths, by stat. 8 G. 1. c. 6. s. 1. instead of the Affirmation of 1 W. & M. stat. 1. c. 18. required by 7 & 8 W. 3. c. 27. This will extend to Moravians.

I, *A. B.* do solemnly and sincerely promise and declare, Declaration of fidelity. that I will be true and faithful to king George; and do solemnly, sincerely, and truly profess, testify, and declare, that I do from my heart abhor, detest, and renounce, as impious and heretical, that wicked doctrine and position, that princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state, or potentate, hath or ought to have any power, jurisdiction, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm.

The Oath of Abjuration, (required by the 6 A. c. 23. s. 13.) altered by 1 G. 1. st. 1. c. 13. s. 1. and as the same is now to be taken. (Stat. 6 G. 3. c. 53. s. 1.)

I, *A. B.* do truly and sincerely acknowledge, profess, Oath of abjuration. testify, and declare in my conscience, before God and the world, that our sovereign lord king George is lawful and rightful king of this realm, and all other his Majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe in my conscience, that the person pretended to be prince of Wales during the life of the late king James, and since his decease, pretending to be and taking upon himself the stile and title of king of England by the name of James the third, or of Scotland by the name

of James the eighth, or the stile and title of king of Great Britain, hath not any right or title whatsoever to the crown of this realm or any other the dominions thereto belonging; and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear that I will bear faith and true allegiance to his Majesty king George, and him will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever which shall be made against his person, crown and dignity. And I will do my utmost endeavour to disclose and make known to his Majesty and his successors, all treasons and traitorous conspiracies which I shall know to be against him, or any of them. And I do faithfully promise, to the utmost of my power to support, maintain, and defend the succession of the crown against him the said James, and all other persons whatsoever; which succession, by an act, intituled, *An Act for the further limitation of the crown and better securing the rights and liberties of the subject*, is and stands limited to the princess Sophia, electoress and duchess dowager of Hanover, and the heirs of her body, being Protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever; and I do make this recognition, acknowledgment, abjuration, renunciation, and promise, heartily, willingly, and truly, *upon the true faith of a Christian*.
So help me God.

By the 10 G. 1. c. 4. it was enacted in favour of Jews, that when they should present themselves to take this Oath, the words "upon the true faith of a Christian" should be omitted.

The Affirmation of Abjuration to be taken by Quakers, appointed by stat. 8 G. 1. c. 6. s. 1.

This will extend to Moravians.

I, *A. B.* do solemnly, sincerely, and truly acknowledge, profess, testify, and declare, that king George is lawful and rightful king of this realm, and of all other his dominions and countries thereunto belonging: and I do solemnly and sincerely declare, that I do believe the person pretended to be the Prince of Wales, during the life of the late king James, and, since his decease, pretending to be and taking upon himself the stile and title of king of England by the name of James the third, or of Scotland by the name of James the eighth, or the stile and title of king of Great Britain, hath not any right or title whatsoever to the crown of this realm, nor any other the dominions thereunto belonging; and I do renounce and refuse any allegiance or obedience to him: And I do solemnly promise, that I will be true and faithful, and bear true allegiance to king George, and to him will be faithful against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown, or dignity: And I will do my best endeavours to disclose and make known to king George, and his successors all treasons and traitorous conspiracies which I shall know to be against him or any of them: And I will be true and faithful to the succession of the crown against him the said James, and all other persons whatsoever, as the same is and stands settled by an Act, intituled, *An Act declaring the rights and liberties of the subjects, and settling the succession of the crown to the late Queen Anne, and the heirs of her body being Protestants*; and as the same, by one other act, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is, and stands settled and entailed, after the decease of the said late queen, and for default of issue of the said late queen, to the late princess Sophia, electoress and duchess dowager

Affirmation of abjuration.

No provision has been made for altering this according to the oath of abjuration in 6 G. 3. c. 53.

of Hanover, and the heirs of her body, being Protestants. And all these things I do plainly and sincerely acknowledge, promise, and declare, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever; and I do make this recognition, acknowledgment, renunciation, and promise, heartily, willingly, and truly.

The Form appointed by stat. 8 G. 1. c. 6. s. 1. in which the Effect of the Freeholder's Oaths is to be administered to Quakers.

This will extend to Moravians.

I, A. B. do solemnly, sincerely, and truly declare and affirm.

The Freeholder's Oath at Elections for Knights of Shires, appointed by 18 G. 2. c. 18. s. 1.

Freeholders oath for knights of shires, vid. p. 15.

You shall swear, (or, being one of the people called Quakers, [or Moravians,] solemnly affirm,) that you are a freeholder in the county of _____, and have a freehold estate, consisting of _____ (specifying the nature of such freehold estate, whether messuage, land, rent, tythe, or what else; and if such freehold estate consists in messuages, lands or tythes, then specifying in whose occupation the same are; and if in rent, then specifying the names of the owners or possessors of the lands or tenements out of which such rent is issuing, or of some or one of them) lying or being at _____ in the county of _____ of the yearly value of *forty shillings*, over and above all rents and charges payable out of or in respect of the same; and that you have been in the actual possession or receipt of the rents and profits thereof, for your own use, above twelve calendar months, or that the same came to you within the time aforesaid, by descent, marriage, marriage settlement,

s. 6. No tax rate or assessment whatsoever to be deemed within the meaning of this oath or affirmation.

devise or promotion to a benefice in a church; or by promotion to an office; and that such freehold estate has not been granted or made to you fraudulently, on purpose to qualify you to give your vote; and that the place of your abode is at

in _____ and that you are twenty-one years of age, as you believe; and that you have not been polled before at this election.

The Freeholder's Oath for Cities and Towns being Counties, appointed by 19 G. 2. c. 28. s. 1.

You shall swear, (or, being a Quaker, [or Moravian] solemnly affirm) that you have a freehold estate, consisting of _____ (specifying the nature of such freehold estate, whether messuage, land, rent, tythe, or what else; and if such freehold estate consists in messuages, lands or tythes, then specifying in whose occupation the same are; and if rent, then specifying the names of the owners or possessors of the lands or tenements out of which such rent is issuing, or of some or one of them) lying or being in the city and county, or town and county (as the same may be) of _____ of the clear yearly value of *forty shillings*, over and above all rents and charges payable out of or in respect of the same; and that you have been in the actual possession or receipt of the rents and profits thereof, for your own use, *above twelve calendar months*; or that the same came to you within the time aforesaid, by descent, marriage, marriage settlement, devise, or promotion to a benefice in a church, or by promotion to an office; and that such freehold estate has not been granted or made to you fraudulently, on purpose to qualify you to give your vote; and that the place of your abode is at _____ in _____ and that you are twenty-one years of age as you believe; and that you have not been polled before at this election.

Freeholders oath for cities and towns being counties, vid. p. 15 & 16.

s. 6. No tax rate or assessment whatsoever to be deemed within the meaning of this oath or affirmation.

*Form of Assessment of Land Tax in the Schedule to
20 G. 3. c. 17. as required by s. 3.*

Land-tax as-
sessment,

County of N. to wit. } An assessment made
For the parish of } in pursuance of an
in the said county. } act of Parliament
passed in the _____ year of his Majesty's reign,
for granting an aid to his Majesty by a land tax to be
raised in Great Britain, for the service of the year 17 .

Names of Proprietors.	Names of Occupiers.	Sums Assessed.
A. B.	Himself.	—
A. B.	C. D.	—
E. F.	C. D.	—
C. D.	G. H.	—
J. K. & L. M. } }	N. O.	—
P. Q.	{ R. S. & T. U. }	—

Signed this _____ day of _____ 17 .

by us, A. B. }
C. D. } *Assessors.*

*The Oath to be taken by Electors in all cases where
no other than the Bribery Oath, the Oaths of Alle-
giance, Supremacy, and Abjuration, were before re-
quired. 25 G. 3. c. 84. s. 5.*

Oath of elect-
ors in cities,
towns, or bo-
roughs, except
where a parti-
cular oath is
provided.

I do swear, (*or being a Quaker [or Moravian] do affirm*)
That my name is A. B. and that I am _____ (*specifying
the addition, profession, or trade of such person*), and
that the place of my abode is at _____ in
the county of _____ (*and if it is a town
consisting of more streets than one, specifying what
street*); and that I have not before polled at this elec-
tion; and that I verily believe myself to be of the full
age of twenty-one years.

You do swear, (*or being a Quaker, do affirm*), That London, oath.
 you are a freeman of London, and a liveryman of the
 company of _____ and have so been for
 the space of twelve calendar months; and that the place
 of your abode is at _____ in
 and that you have not polled at this election.

So help you God.

For the oaths in Norwich, see 3 G. II. c. 8. s. 1.; in Coventry, 21 G. III. c. 54. s. 7.; and for the freeholders entitled to vote at New Shoreham, 11 G. III. c. 55. s. 4.; at Cricklade, 22 G. III. c. 31. s. 4.; and at Aylesbury, 44 G. III. c. 60. s. 3. The other electors at these three last places must take the oath directed by 25 G. III. c. 84. s. 5.

Otha.
Norwich,
vid. p. 51.
Coventry,
vid. p. 65.
New Shore-
ham, vid. p. 60.
Cricklade,
vid. p. 69.
Aylesbury,
vid. p. 72.

Oyez, oyez, oyez. All the electors of *(the county of city of or borough of as the case may be)* who have not yet given their votes, and who intend to poll at this election of members to serve in Parliament for the said *(as the case may be)* are to come in and poll forthwith, notice being hereby given that the poll is now about to be closed.

This indenture, made in full county at a special Indenture.
county court for the county of holden at Return to the
in and for the said county, on the writ.
day of in the year of the reign of
our sovereign lord king George the fourth, &c.; and in
the year of our Lord between A. B.

Esq. sheriff of the said county, of the one part; and C. D. E. F. &c., and many other persons of the county aforesaid, and electors of knights to Parliament for the said county, of the other part; witnesseth, that proclamation being made by the said sheriff, by virtue of and according to a writ of our sovereign lord the king, directed to the said sheriff, and hereunto annexed, for the electing of two knights, of the most fit and discreet of the said county, girt with swords, to serve in a certain Parliament to be holden at the City of Westminster, on the day of next ensuing, the said parties to these presents together with the major part of the electors for the county aforesaid present in the full county of at aforesaid on the day of the date hereof by virtue of the said writ, and according to the force and effect of divers statutes, in that case made and provided, have in the said full county of by unanimous assent and consent, truly and indifferently elected and chosen, two knights of the most fit and discreet of the said county, girt with swords to wit, of and of &c. to be knights to the said Parliament, so to be holden at the day and place in that behalf hereinbefore mentioned for the commonalty of the county of giving and granting to the aforesaid knights full and sufficient power for themselves, and the commonalty of the same county, to do and consent to those things, which, in the said Parliament by the Common Council of the kingdom of our said lord the king, (by the blessing of God) shall happen to be ordained upon the affairs in the said writ specified. In witness whereof the parties to these presents have hereunto interchangeably set their hands and seals, the day and year first above written.

A. B.

C. D.

E. F.

Return to the Precept.

This indenture, made at the city, town, or borough of _____ Indenture.
 in the county of _____ the _____ day of _____ in the _____ Return to the
 year of the reign of, &c. and in the year of our _____ precept.
 lord 18 _____ ; between _____ esq. sheriff of the said
 county, of the one part, and _____ mayor or bailiff of
 the said city, town, or borough, and _____ esq. and
 esq. _____ esq. and _____ esq. and others, citizens or
 burgesses of the aforesaid city, town, or borough, by
 virtue of a certain precept, under the seal of the said The persons
 sheriff, made and directed to the said mayor or bailiff, must be free
 bearing date the _____ day of _____ instant, have citizens or bur-
 freely and indifferently elected _____ esq. and gesses of the
 esq. citizens or burgesses of the city, town, or borough town, city, or
 aforesaid, the most sufficient and discreet to be at the borough.
 Parliament of our said lord the king, to be holden at
 Westminster, the _____ day of _____ next ensuing,
 which said A. K. and G. N. have full and sufficient
 power for them the said electors, for themselves and the
 commonalty of the said city, town, or borough, to do and
 consent to those things which then and there, by the
 common council of the kingdom of Great Britain (by
 the blessing of God) shall happen to be ordained upon
 the affairs in the said Parliament to be treated of. In
 witness whereof, as well the said sheriff, as the said
 mayor or bailiff, and citizens or burgesses, have here-
 unto interchangeably set their hands and seals, the day
 and year first above within.

G. K., W. P. and others.

*The Writ for the County Palatine of Lancaster, upon its return by the Sheriff to the Chancellor of the County Palatine, is thus indorsed by him.**

Indorsement
 on writ.
 Lancaster,
 vid. next page.

* The writs for the cinque ports are indorsed to the same effect by the officer, to whom they are directed in the first instance, and who ultimately return them with the indenture into the crown office.

“The answer of the right honorable chancellor
of the county palatine of L. to this writ.”

By virtue of this writ to me directed and delivered,
by another writ under the county palatine of L. within
mentioned, and directed to the sheriff of the said county,
I commanded the said sheriff, as within I am com-
manded, which said sheriff, to wit, esq. in answer
to the said writ saith, that the execution of the said writ
appears in certain indentures hereunto annexed.

By the same Chancellor.

Norwich act. 3 G. 2. c. 8., *An Act for the better Regulating Elec-
tions in the City of Norwich, and for preserving the
Peace, good Order, and Government of the said City.*

Preamble. Whereas many unhappy controversies and dissensions
have of late years arisen in the city of Norwich, at the
elections of citizens to serve in Parliament, and also of
mayors, sheriffs, aldermen, and common councilmen of
and for the said city, touching the legality and validity
of the votes of many persons, who in such elections have
offered to vote: and whereas the time appointed by the
charters of the said city is not sufficient to elect so great
a number of common councilmen for each great ward, as
are thereby yearly directed to be chosen, when such elec-
tions happen to be controverted: And whereas great
differences and dissensions have arisen between the mayor,
sheriffs, and aldermen, and the commons of the common
council of the said city, in or concerning the making or
passing of acts, orders, or ordinances in common council,
or assembly of the representative body of the said city,
which have often obstructed the public business and con-
cerns thereof: now to the intent that a stop may be put
to all such controversies and dissensions as aforesaid,
touching the legality of voters, that the number of com-
mon councilmen may be yearly elected, and that the
public business of the said city may not be obstructed,

be it enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the twenty fifth day of April, one thousand seven hundred and thirty, every person, before he is admitted to poll as a freeman at any election of a citizen and citizens to serve for the said city of Norwich in Parliament, shall take the oath herein first after mentioned, or, being one of the people called quakers, solemnly affirm the effect thereof; that is to say,

You do swear that you are, and for twelve calendar months have been, admitted a freeman of the city of Norwich, and that you have not been before polled at this election, or *[in case of an election for two citizens]* but for one person. Freemen's oath at elections of Parliament men.

So help you God.

And in case of any election of a mayor or sheriff of the said city, every person, before he is admitted to poll at such election, shall, instead of the oath or affirmation required in an act made in the ninth year of the reign of his late Majesty king George the first, [intituled, An act for the better qualifying the manufacturers of stuffs and yarns in the city of Norwich, and liberties thereof, to bear offices of magistracy in the said city, and for regulating elections of such officers] to be taken at such elections, take the oath next hereinafter mentioned, or, being one of the people called quakers, solemnly affirm the effect thereof; that is to say,

You do swear that you are, and for twelve calendar months have been, admitted a freeman of the city of Norwich, and for six calendar months last have been an inhabitant within the liberties thereof, and that you have not been before polled at this election. Of mayors and sheriffs.

So help you God.

And in case of any election of any alderman or common councilmen for the said city, every person (except such as are and shall be placed in any of the hospitals or workhouses of the said city, or are or shall be prisoners for debt in the common gaol, or other prisons of the said city) before he is admitted to poll at such election, shall, instead of the oath or affirmation required by the before mentioned act to be taken at such elections, take the oath next herein after mentioned, or, being one of the people called quakers, solemnly affirm the effect thereof; that is to say,

Of common
councilmen.

You do swear that you are, and for twelve calendar months have been, admitted a freeman of the city of Norwich, and for six calendar months last past have been an inhabitant within the ward of [mentioning the ward for which such election is made] and that you have not been before polled at this election.

So help you God.

And to prevent disputes which may arise touching the votes of such persons, who are or shall be placed in any of the hospitals or workhouses of the said city, or prisoners for debt in the common gaol, or other prisons of the said city; be it enacted by the authority aforesaid, that no person or persons, who now is or are, or hereafter shall be placed in any hospitals or workhouses erected or settled, or that shall be erected or settled in or for the said city, or is, or are, or shall be a prisoner or prisoners for debt in the common gaol, or other prisons of the said city, shall be admitted to poll at any elections of any alderman or common councilmen, save only at such elections as shall happen for that ward in which he shall have inhabited six calendar months immediately preceding his being placed in such hospital or workhouse, or immediately preceding his imprisonment for debt in such common gaol, or other prisons, and before such person as

aforesaid shall be admitted to poll at such election as aforesaid, he shall take the oath next hereinafter mentioned, or, being one of the people called Quakers, solemnly affirm the effect thereof; that is to say,

You do swear, that you are, and for twelve calendar months have been, admitted a freeman of the city of Norwich, and was an inhabitant in the ward of The oath of persons in hospitals, or prisoners.
[mentioning the ward for which such election is made] six calendar months immediately preceding your being placed into the hospital *[if an hospital man]* or into the workhouse *[if in the workhouse]* or immediately preceding your imprisonment *[if a prisoner for debt]* and that you have not been before polled at this election.

So help you God.

And if any person or persons shall refuse or neglect to take the oaths hereby respectively appointed to be taken, or, being a Quaker shall refuse to make such solemn affirmations as aforesaid (which oaths or affirmations the mayor for the time being, or his deputy, or such sworn clerks as shall by him or his deputy be appointed, are hereby authorised to administer) then, and in every such case, the poll or vote of such person or persons so neglecting or refusing, shall be, and the same is hereby declared to be null and void, and as such shall be rejected and disallowed. Refusing to swear the vote or poll disallowed.

And be it enacted by the authority aforesaid, that in every election, which shall be for a citizen or citizens to serve for the said city of Norwich in Parliament, or for a mayor, sheriff, alderman, or common councilmen, of the said city, one of the checks, a swearer, and a clerk belonging or appertaining to the poll book of any candidate or candidates at such election, shall be admitted to go into the common gaol or any other prison of the said city, to take the votes of such freemen confined therein for debt, as shall have a right to vote at such election, One of the checks, &c. may go into the prisons to take the votes there.

and the sheriffs, gaoler, or prison keepers for the time being, are hereby required to admit such check, swearer, and clerk, to go into the said common gaol and other prisons, and to take the votes of such prisoners as aforesaid upon the penalty of fifty pounds of lawful money of Great Britain, upon every refusal to admit such check, swearer, and clerk, as aforesaid.

The oaths
1 G.1. to be
taken by
electors, if
required.
This does not
extend to
elections of
members of
parliament.

And be it further enacted by the authority aforesaid, that upon every election for a mayor, sheriff, alderman, or common councilmen of the said city, every person having a right to vote or poll at such election or elections, shall, before he be admitted to poll thereat, if required by any one of the checks, at any poll, first take the oaths, in and by an act made in the first year of the reign of his late Majesty king George the first, (intituled, An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors] appointed to be taken, or, being one of the people called Quakers, shall, if required as aforesaid, solemnly affirm the effect thereof; and if any person or persons shall, being required thereunto as aforesaid, refuse or neglect to take the said oaths by the said act appointed to be taken, or to affirm the effect thereof, as aforesaid, that then the poll or vote of such person or persons refusing as aforesaid, shall be, and the same is hereby declared to be null and void, and as such shall be rejected and disallowed, and the presiding officer for the time being, at all and every the respective elections aforesaid, and such sworn clerks as shall be by him appointed, are hereby respectively authorized and empowered to administer the above mentioned oaths and affirmations; and if any such presiding officer or sworn clerks shall neglect or refuse so to do, every such officer and sworn clerk, shall for every such refusal forfeit and

pay the sum of fifty pounds of lawful money of Great Britain, besides costs of suit.

And be it hereby further enacted, that if any person or persons shall wilfully, falsely, and corruptly, take the said oaths or affirmations set forth and appointed to be taken in and by this act, or any of them, and be thereof lawfully convicted by indictment or information, every person so offending shall for every such offence incur and suffer such penalties, forfeitures, and disabilities, as persons convicted of wilful and corrupt perjury, at the common law are liable unto.

And to the end that the number of common councilmen appointed by the charters of the city of Norwich to be chosen for each great ward of the said city may be yearly elected, be it enacted by the authority aforesaid, that for the future no more than three common councilmen for each great ward of the said city shall be yearly elected by the freemen of each great ward, upon the days appointed for such elections by the charters of the said city; and that such three common councilmen shall be elected at one poll, and that every elector at such election shall (after having taken the oath or affirmation by this act appointed to be taken and made) declare to the clerk the names of such candidates as he shall poll for, not exceeding the number of three.

And be it enacted, that the three common councilmen so elected as aforesaid for each great ward, or the major part of them, shall within forty eight hours time after such their elections, or within six days after such scrutinies, as shall be demanded on their polls, are finished, upon notice thereof from the mayor for the time being, or his deputy, elect, and fill up the remaining number of common councilmen directed to be elected by the charters of the said city for each great ward, for which such three common councilmen shall be elected; and if the three common councilmen so chosen as aforesaid, or the major

Punishment
for perjury.

Three common
councilmen
for each great
ward,

who are to
elect the re-
maining num-
ber of common
councilmen:

part of them, shall not, within the time aforesaid, elect such remaining number of common councilmen as is herein before directed, and deliver in writing to the mayor for the time being, or his deputy, the names of such common councilmen so by them elected as aforesaid, that then every of the three common councilmen so chosen for each great ward as aforesaid, who shall neglect or refuse to make such election, and to deliver in writing to the mayor for the time being, or his deputy, the names of such common councilmen by them respectively elected, shall forfeit the sum of fifty pounds.

Such election
valid.

And be it enacted by the authority aforesaid, that the remaining number of common councilmen, to be elected for each great ward by the three common councilmen to be chosen as aforesaid, shall be as effectually of the common council, as if they had been elected by the freemen of their respective wards; any charter, law, custom, or usage to the contrary in any wise notwithstanding.

Vacancies to
be filled up in
48 hours after
notice.

And be it further enacted, that if any person who shall be elected of the common council, as aforesaid, shall refuse to serve, or shall happen to die, the three first common councilmen entered in the assembly book for the ward, where such vacancy shall happen, who shall be then living, are hereby required, in forty eight hours after notice of the same from the mayor for the time being, to fill up such vacancy, by electing others to serve in their stead, for the remaining part of the year.

The presiding
officer at
elections.

And to prevent any disputes concerning the presiding officer at the elections of a mayor, sheriff, alderman, and common councilmen of the said city, and such scrutines as shall be demanded thereupon, be it further enacted, that the mayor for the time being, or his deputy appointed by him, under his hand and seal; and in case of the death of the mayor for the time being, the surviving justice of the peace, who last served the office of mayor, shall be the presiding officer at every election of a mayor,

sheriff, alderman, and common councilmen, and such scrutinies as shall be demanded thereupon.

And be it further enacted, that no person shall be subject to be elected into the office of sheriff of the city of Norwich, who is not an inhabitant thereof at the time of such election. None but inhabitants to be chosen sheriffs.

And to the intent that a final end may be put to all disputes between the mayor, sheriffs, and aldermen, and the commons of the common council of the said city, touching the making or passing of acts, orders, or ordinances, in common council or assembly, and that no act, order, or ordinance may for the future be made or passed in common council or assembly, without the full consent of the representative body of the said city, according to the ancient constitution of the same; be it enacted by the authority aforesaid, that no act, order, or ordinance whatsoever, at any time from and after the twenty-fifth day of April, one thousand seven hundred and thirty, shall be made or passed in the common council or assembly of the representative body of the said city, without the assent of the mayor, sheriffs, and aldermen present at such common council or assembly, or the major part of them, nor without the assent of the commons present at such common council or assembly, or the major part of them; any law, usage, or custom to the contrary in any wise notwithstanding. No act valid without assent of the mayor part, &c.

Provided always, and it is hereby declared, that nothing in this act contained shall extend, or be construed to extend, to prevent or hinder the mayor elect, and the mayor for the time being, to nominate and appoint for the time of his mayoralty a sword bearer, two ward officers, and such other inferior officers, as have been customary for the mayor elect, and mayor for the time being, to nominate. Mayors to nominate officers as customary.

And to the end that the necessary business of the said city may not be neglected, be it enacted by the authority Penalty on absence from the quarterly assemblies.

aforesaid, that the mayor for the time being shall, and he is hereby required to summon the sheriffs, aldermen, and common councilmen of the said city, to meet at the quarterly assemblies according to custom ; and if one of the sheriffs, and the major part of the aldermen, and common councilmen, shall neglect to meet at the Guildhall of the said city, at the time appointed by the mayor for the time being, for holding an assembly, upon notice being left in writing at their respective houses, at least twenty four hours before the time appointed for such meeting, then such sheriff, alderman, and common councilmen, as shall be absent, shall forfeit the sum of five shillings over and above such prosecutions as they may be subject to by law ; and that every sheriff, alderman, and common councilman, who shall depart from any assembly without the consent of the mayor for the time being, shall forfeit the sum of ten shillings, to be paid to the chamberlain for the use and benefit of the said city, over and above such prosecutions as they may be subject to by law.

Penalties, how
to be re-
covered.

And be it enacted by the authority aforesaid, that all penalties and forfeitures by this act imposed (except the forfeitures of five shillings and ten shillings) shall be prosecuted and recovered by action of debt, in any of his Majesty's courts of record at Westminster, in the name of the chamberlain of the said city for the time being, and when recovered shall go and be to and for the use and benefit of the said city, and that the forfeitures of five shillings and ten shillings shall be levied by distress and sale of the offender's goods, by warrant under the hands and seals of any two of his Majesty's justices of the peace of the said city, and paid to the chamberlain of the said city, restoring the offenders the overplus, if any be.

Public act.

And be it enacted by the authority aforesaid, that this act shall in all courts and places be taken and deemed to be a public act, and shall be judicially taken notice of as

such, by all judges, justices, and courts whatsoever, without specially pleading the same.

11 G. III. C. 55., *An act to incapacitate John Burnett, &c. and others from voting at Elections of members to serve in Parliament, and for the preventing Bribery and Corruption in the Election of Members to serve in Parliament for the Borough of New Shoreham, in the County of Sussex.*

Whereas a wicked and corrupt society calling itself the Christian Society, hath for several years subsisted in the borough of New Shoreham in the county of Sussex, and consisted of a great majority of persons having a right to vote at elections of members to serve in Parliament for the said borough; and whereas it appears that the chief end of the institution of the said society, was for the purpose of selling, from time to time, the seat or seats in Parliament for the said borough; and whereas John Burnett, &c. and others were members of the said society: in order therefore to prevent such unlawful practices for the future, and that the said borough from henceforth be duly represented in Parliament; be it enacted, &c. that the said John Burnett, &c. and others, shall be, and by virtue of this act are, from henceforth incapacitated and disabled from giving any vote at any election for the choosing a member or members to serve in Parliament.

2. And be it further enacted by the authority aforesaid, that from henceforth it shall and may be lawful to and for every freeholder, being above the age of twenty-one years, who shall have within the rape of Bramber, in the said county of Sussex, a freehold of the clear yearly value of forty shillings, to give his vote at every election of a burgess or burgesses to serve in Parliament, for the said borough of New Shoreham.

Freeholders
above 21 years
of age, to vote.

Right of election, in whom.

3. And be it further enacted by the authority aforesaid, that the right of election of a member or members to serve in Parliament for the said borough of New Shoreham, shall be and is hereby declared to be in such freeholders as aforesaid, and in the persons who by the custom and usage of the said borough have, or shall hereafter have, a right to vote at such election, those whose names are mentioned herein and incapacitated and disabled by this act only excepted; and the constable or other proper officer for the time being, to whom the return of such precept or writ does belong, is hereby required to return the person or persons to serve in Parliament for the said borough, who shall have the major number of votes of such freeholders, and other persons having a right to vote at such election, (except such persons as are hereinbefore excepted) any law or usage to the contrary notwithstanding.

Freeholders to take the following oath.

4. And be it further enacted by the authority aforesaid, that every such freeholder before he is admitted to poll at any elections for the said borough, shall, if required by the candidates, or any of them, or any other person having a right to vote at the said election, first take the oath, (or, being one of the people called Quakers, the solemn affirmation) following, *viz.*

“ You shall swear, or being a Quaker solemnly affirm that you are a freeholder in the rape of Bramber, in the county of Sussex, and have a freehold estate consisting of (specifying the nature thereof, and if it consists in messuages, lands, or tithes, in whose occupation the same are; and if in rent, the names of the owners or possessors of the tenements, out of which such rent is issuing, or some of them) lying or being at within the rape of Bramber, in the county of Sussex, of the clear yearly value of forty shillings, over and above all rents and charges payable out of or in respect of the same; and that you have been in the actual

possession or receipt of the rents and profits thereof, for your own use, above twelve calender months; (or that the same came to you within the time aforesaid by descent, marriage, marriage settlement, devise, or promotion to a benefice in a church, or by promotion to an office) and that such freehold estate has not been granted or made to you fraudulently, on purpose to qualify you to give your vote; and that the place of your abode is at
in and that you are twenty-one years of age as you believe; and that you have not been polled before at this election."

Which oath or solemn affirmation, the constable, or other proper officer to whom the return of any writ or precept for such election shall belong, is hereby required to administer, and in case any freeholder or other person, taking the said oath or affirmation hereby appointed, shall thereby commit wilful perjury, and be thereof convicted; or if any person shall unlawfully and corruptly procure or suborn any freeholder or other person to take the said oath or affirmation, in order to be polled, whereby he shall commit such wilful perjury, and shall be thereof convicted, he and they, for every such offence respectively; shall incur such penalties as are inflicted on persons guilty of perjury or subornation of perjury, in and by two acts of Parliament, one made in the 5th year of the reign of queen Elizabeth, (intituled, An act for punishing such persons as shall procure or commit wilful perjury, or suborn or procure any person to commit any wilful or corrupt perjury); and the other made in the 2d year of his late Majesty's reign, (intituled, An act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury, and to make it felony to steal bonds, notes, or other securities for payment of money,) contrary to the said acts.

Of perjury, the penalties.

Act 5 Eliz. and

Act 2 G. 2.

5. And be it further enacted by the authority aforesaid, that such constable, or other proper officer to whom any

Constable to back a precept

the day of the receipt thereof.

writ or precept shall be directed for making any election for the said borough, shall upon the reception of such writ or precept, indorse upon the back thereof the day of his receipt thereof, in the presence of the party from whom he received such precept; and shall forthwith cause public notice to be given within the said borough of New Shoreham, and at the towns of Bramber and Steyning, in the said county of Sussex, by fixing up a notice thereof in writing on the market houses or on the doors of the churches of the said towns, of the day of election; and shall proceed to election thereupon within the space of twelve days, and not less than eight days, next after his receipt of the same precept.

The act to be read publicly.

6. And be it further enacted by the authority aforesaid, that this act shall be publicly read at every election for the said borough of New Shoreham immediately after the acts directed by any act of Parliament to be read thereat, and before the persons present shall proceed to make such election.

21 G. III. c. 54., *An act for the better regulating Elections of Citizens to serve in Parliament for the City of Coventry.*

Coventry.

Whereas the right of election of citizens to serve in Parliament for the city of Coventry, is, by the last determination of the house of commons, of the 20th day of November, 1722, declared to be in such freemen as have served seven years apprenticeship to one and the same trade in the said city, or the suburbs thereof, and do not receive alms or weekly charity, such freemen being duly sworn and inrolled: and whereas great frauds and abuses were committed, in clandestinely admitting persons, having no such right to the freedom of the city of Coventry, during the last election of members to serve in Parliament for the said city, in order to influence the said election, to the great infringement of the rights of the

true electors of the said city, and in violation of the freedom of elections: to prevent such practices for the future, be it enacted, &c. that, from and after the passing of this act, an open council shall be held at St. Mary's Hall in the said city, on the first and last Tuesday in every calendar month, for the purpose, on the first Tuesday in each month, of receiving and proclaiming aloud the names of every person or persons who shall then present, or cause to be presented, an account in writing of the particulars of his or their claim to the freedom of the said city, and for the purpose, on the last Tuesday in each month, of admitting to the freedom of the said city such person or persons as shall then appear and claim to be so admitted, he or they first verifying upon oath the particulars of his or their claim delivered in at the preceding council; and that the council which shall be holden on the first Tuesday in each month shall assemble at ten in the morning, and continue open a convenient time, for receiving such claims as shall then be preferred; and the council which shall be holden on the last Tuesday in each month shall continue open from the hour of ten in the morning till three o'clock in the afternoon of the same day, or for such shorter time as shall be found sufficient for hearing and determining any claims which shall then have been preferred; and if any such claims shall then remain unheard or undetermined, the said council shall be adjourned from day to day, and continue open on each day in manner aforesaid, for hearing and determining such claims.

An open council to be held at St. Mary's Hall, on the first and last Tuesday in every month.

2. And be it further enacted by the authority aforesaid, that, from and after the passing of this act, no greater fee than three shillings, over and above the expence of the necessary stamps, shall be demanded or taken of any person or persons who shall be so admitted to his or their freedom at any such council.

Limitation of the expence of taking up the freedom.

Particulars to be observed by those who take it up.

3. And be it further enacted by the authority aforesaid, that no person shall be admitted to the freedom of the said city, at any council to be held for that purpose, who shall not produce evidence of regular indentures or deeds of apprenticeship for seven years, as required by the resolution aforesaid, and who shall not also declare upon oath the name or names of his master or masters, the trade to which he served under him or them, the place of his or their residence during the time he served, and of his own residence at the time of his claiming to be admitted to the freedom of the said city; and that it shall be lawful for such persons so claiming their freedom as aforesaid, to come to such council attended with their agents, who shall be present at their admission, if they so require it; and such council are hereby authorized and required to administer such oath as aforesaid.

Town clerk to enter the above particulars in a book.

4. And be it further enacted by the authority aforesaid, that the town clerk shall enter all the above particulars in the admission book under the name of each person who is admitted to the freedom of the said city; and that the said town clerk and the mayor, and each of the members composing the council at which such freemen shall be admitted, shall openly subscribe their names to the said entries.

Lists of the names of the freemen, &c. admitted, to be pasted on the church doors.

5. And be it further enacted by the authority aforesaid, that lists of the names of all persons claiming to be admitted freemen, and of all the freemen admitted at any council to be held in the manner aforesaid, shall be made out in writing, and signed by the town clerk, and be pasted or fixed upon the doors of all the churches in Coventry, within twenty-four hours after the holding of such council.

Councils not to be held during a certain time specified.

6. And be it further enacted by the authority aforesaid, that no council shall be held for receiving claims of persons claiming to be admitted to the freedom of the

said city after the day on which notice shall be given by the sheriff or sheriffs, according to the statute, of any election for a member or members to serve in Parliament for the said city, till after the final close of every such election.

7. And be it further enacted by the authority aforesaid, that, at every election of members to serve in Parliament for the said city, every person who shall come to poll at such election, shall, if required by any candidate at such election, or by any two or more persons having a right to vote at such elections, previous to his being permitted to poll, take the following oath, or, being one of the persons called Quakers, shall solemnly affirm the effect thereof; Electors to be sworn.
(that is to say,)

“ You do swear, that your name is A. B., and that The oath.
you have been admitted to the freedom of the city of Coventry under indentures, or deeds of apprenticeship, and that you have served seven years’ apprenticeship to one and the same trade in the said city, or the suburbs thereof; and that you are of the age of twenty-one years, or upwards; and have not been polled before at this election.
So help you God.”

Which oath the returning officer or officers, or his deputy, is hereby empowered to administer.

8. And be it further enacted by the authority aforesaid, Penalty on persons guilty of perjury.
that all persons who shall be guilty of wilful and corrupt perjury, in consequence of any oath which they shall have taken by the direction of this act, shall, on conviction thereof, incur and suffer the like pains and penalties to which any other person convicted of wilful and corrupt perjury is liable by the laws and statutes of this realm.

9. And be it further enacted by the authority aforesaid, that, if the returning officer or officers, at any election of a member or members to serve in Parliament for the said city, shall wilfully admit any person to poll at such elec-

Penalty on returning officer for admitting persons to poll without being sworn;

And on members of the council for refusing to admit electors, &c.

Proviso.

Penalty on town clerk for making fraudulent entries, &c.

To what freemen this act shall extend.

Election booth where to be erected.

tion without his having first taken the above-mentioned oath, if required so to do, in manner aforesaid, the said returning officer or officers shall, for every such offence, forfeit and pay the sum of one hundred pounds to him, her, or them, who shall sue for the same.

10. And be it further enacted by the authority aforesaid, that if the mayor, and the other members composing any council to be held for the purpose of proclaiming the persons presenting accounts of their claim to the freedom of the said city, or for the purpose of admitting such persons to the freedom of the said city, shall refuse to proclaim, or to admit such person or persons as shall come and prove their titles according to the provisions of this act, they shall, for every such offence, forfeit and pay the sum of one hundred pounds.

11. Provided always, that if any doubts shall arise as to the legality of the titles so sworn to, it shall and may be lawful for the said council to hear witnesses, and admit evidences to disprove the same.

12. And be it further enacted by the authority aforesaid, that if the town clerk shall neglect to make the proper entries, or shall make any false and fraudulent entries in the admission book; or if he shall neglect to make out and sign the lists of the freemen admitted, and cause them to be pasted or fixed on the doors of the churches in manner herein-before directed; or if he shall make out, sign, or cause to be pasted or fixed on the doors of the churches as aforesaid, any false or fraudulent list, he shall, for every such offence, forfeit the sum of ten pounds.

13. Provided also, and it is hereby enacted and declared, that this act shall not extend, nor be construed to extend, to any freemen of the said city but such as have a right to vote in the election of members to serve in Parliament for the said city.

14. And be it further enacted, that the returning officer or officers shall, at all future elections of citizens

to serve in Parliament for the said city, cause the booth for holding such election to be erected in the widest and most convenient part of the open market place called Cross-cheaping, not contiguous to any other building.

15. And be it further enacted by the authority aforesaid, that all penalties laid or imposed by this act shall be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

Penalties how
to be reco-
vered.

16. Provided always, and it is hereby further enacted and declared by the authority aforesaid, that no person shall be liable to any penalty by this act laid or imposed, unless prosecution be commenced within one year after such penalty shall be incurred.

Limitation of
actions.

17. And it is further enacted by the authority aforesaid, that this act shall be deemed, adjudged, and taken to be a public act; and be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

Public act.

18. And be it further enacted by the authority aforesaid, that the dates of all deeds or indentures of apprenticeship, together with the names of the parties, and their places of abode, which from and after the passing of this act, shall be made and executed, between any person or persons residing in the said city of Coventry, or the suburbs thereof, and his, her, or their apprentice or apprentices, under which such apprentice or apprentices may hereafter have a right to be admitted to the freedom of the said city, shall be registered in a book to be kept for that purpose by the town clerk of the same city for the time being, within the space of six calendar months next after the execution thereof; which the said town clerk is hereby required to register, and on such deeds or indenture to indorse a certificate of such register; and in

Deeds or in-
dentures of
apprentice-
ship, &c. shall
be registered
by the town
clerk.

default thereof, such deeds or indentures shall, to all intents and purposes, be null and void.

Cricklade. 22 G. III. c. 31., *An act for the preventing of Bribery and Corruption in the Election of Members to serve in Parliament for the Borough of Cricklade, in the County of Wilts.*

Preamble. Whereas there was the most notorious bribery and corruption at the last election of burgesses to serve in Parliament for the borough of Cricklade in the county of Wilts; and whereas such bribery and corruption is likely to continue and be practised in the said borough in future, unless some means are taken to prevent the same: in order, therefore, to prevent such unlawful practices for the future, and that the said borough may from henceforth be duly represented in Parliament: Be it enacted, &c. that from henceforth it shall and may be lawful to and for every freeholder, being above the age of twenty-one years, who shall have, within the hundreds or divisions of Highworth, Cricklade, Staple, Kingsbridge, and Malmesbury, or one or more of them, in the county of Wilts, a freehold of the clear yearly value of forty shillings, to give his vote at every election of a burgess or burgesses to serve in Parliament for the said borough of Cricklade.

Certain freeholders intitled to vote for the borough of Cricklade.

Customary voters also entitled.

2. And be it further enacted by the authority aforesaid, that the right of election of a member or members to serve in Parliament for the said borough of Cricklade, shall be, and is hereby declared to be, in such freeholders as aforesaid, and in the persons who, by the custom and usage of the said borough, have, or shall hereafter have, a right to vote at such election; and the proper officer for the time being, to whom the return of every writ or process does belong, is hereby required to return the person or persons to serve in Parliament for the said borough who shall have the major number of votes of such freeholders and other persons having a right to vote

at such election ; any law or usage to the contrary notwithstanding.

3. Provided always, that such freeholders only shall be entitled to vote as shall be duly qualified to vote at elections for knights of the shire for the said county of Wilts, according to the laws now in being for regulating county elections.

No freeholders to vote but such as are qualified to be county voters.

4. And be it further enacted by the authority aforesaid, that every such freeholder, before he is admitted to poll at any election for the said borough, shall, if required by the candidates, or any of them, or any other person having a right to vote at the said election, first take the oath, or being one of the people called Quakers, the solemn affirmation following, *vis.*

Freeholders to be sworn.

“ I do swear, [or, being a Quaker, solemnly affirm] that I am a freeholder in the hundred or division of Highworth, Cricklade, Staple, Malmsbury, and Kingsbridge, or any one or more of them, in the county of Wilts, and have a freehold estate, consisting of [specifying the nature thereof; and if it consists in messuages, lands, tenements, or tithes, in whose occupation the same are; and if in rents, the names of the owners or possessors of the tenements out of which such rent is issuing, or some of them], situate, lying, or being at in the aforesaid hundreds or divisions, or in one or more of them, of the clear yearly value of forty shillings, over and above all rents and charges payable out of or in respect of the same; and that I have been in the actual possession or receipt of the rents and profits thereof, for my own use, above twelve calendar months, [or, that the same came to me within the time aforesaid by descent, marriage, marriage settlement, devise, or promotion to a benefice in a church, or by promotion to an office]; and that such freehold estate has not been granted or made to me fraudulently, on purpose to qualify me to give my vote; and that the place of my abode is

The oath.

at in , and that I am twenty-one years of age, as I believe, and that I have not been polled before at this election."

Penalty on committing perjury, or subornation thereof.

Which oath, or solemn affirmation, the proper officer, to whom the return of any writ or precept for such election shall belong, is hereby required to administer: and in case any freeholder, or other person taking the said oath or affirmation hereby appointed, shall thereby commit wilful perjury, and be thereof convicted; or if any person shall unlawfully and corruptly procure or suborn any freeholder or other person to take the said oath or affirmation, in order to be polled, whereby he shall commit such wilful perjury, and shall be thereof convicted, he and they, for every such offence respectively, shall incur such penalties as are inflicted on persons guilty of perjury, or subornation of perjury, in and by two acts of Parliament, one made in the fifth year of the reign of queen Elizabeth, intituled, An act for punishing such persons as shall procure or commit wilful perjury, or suborn or procure any person to commit any wilful or corrupt perjury; and the other, made in the second year of the reign of his late Majesty king George the Second, intituled, An act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury, and to make it felony to steal bonds, notes, or other securities for payment of money, contrary to the said acts.

How officer to proceed on receiving any writ for election.

5. And be it further enacted by the authority aforesaid, that such proper officer, to whom any writ or precept shall be directed for making any election for the said borough, shall, upon the receipt of such writ or precept, indorse upon the back thereof the day of his receipt thereof, in the presence of the party from whom he received such precept, and shall forthwith cause public notice to be given within the said borough of Cricklade, and the several towns of Highworth, Malmsbury, Swin-

don, and Wotton Basset, by affixing up a notice thereof in writing on the market-houses, or on the doors of the churches of the said towns of the day of election; and shall proceed to election thereupon within the space of twelve days, and not less than eight days, next after his receipt of the same precept.

6. And be it further enacted by the authority aforesaid, that this act shall be publicly read at every election for the said borough of Cricklade, immediately after the acts directed by any act of Parliament to be read thereat, and before the persons present shall proceed to make such election.

This act to be read previous to any election.

44 G. 3. c. 60., *An act for the preventing of Bribery and Corruption, in the Election of Members to serve in Parliament, for the Borough of Aylesbury in the County of Buckingham.*

Whereas there was the most notorious bribery and corruption at the last election of burgesses to serve in Parliament for the borough of Aylesbury in the county of Buckingham: and whereas such bribery and corruption is likely to continue, and be practised in the said borough in future, unless some means are taken to prevent the same: In order therefore, to prevent such unlawful practices for the future, and that the said borough may from henceforth be duly represented in Parliament; be it enacted by the king's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from henceforth it shall and may be lawful to and for every freeholder, being above the age of twenty-one years, who shall have within the three hundreds of Aylesbury, or one or more of them, in the county of Buckingham, a freehold of the clear yearly value of forty shillings, to give his vote at every election of a burgess or burgesses

Persons having a freehold within the three hundreds of Aylesbury of the yearly value of 40s. to vote at elections for Aylesbury.

to serve in Parliament for the said borough of Aylesbury.

Right of election to be in such freeholders and persons having a right by custom of the borough of Aylesbury to vote, &c.

2. And be it further enacted, that the right of election of a member or members to serve in Parliament for the said borough of Aylesbury, shall be and is hereby declared to be in such freeholders as aforesaid, and in the persons who, by the custom and usage of the said borough, have or shall hereafter have a right to vote at such election; and the proper officer for the time being, to whom the return of every writ or precept does belong, is hereby required to return the person or persons to serve in Parliament for the said borough who shall have the major number of votes of such freeholders, and other persons having a right to vote at such election; any law or usage to the contrary notwithstanding: provided always, that such freeholders only shall be entitled to vote as shall be duly qualified to vote at elections for knights of the shire for the said county of Buckingham, according to the laws now in being for regulating county elections.

Freeholders, before voting, to take the following

3. And be it further enacted, that every such freeholder, before he is admitted to poll at any election for the said borough, shall, if required by the candidates, or any of them, or any other person having a right to vote at the said election, first take the oath, or, being one of the people called Quakers, the solemn affirmation following; *videlicet*.

Oath.

"I do swear, [or, being a Quaker, solemnly affirm,] that I am a freeholder in the three hundreds of Aylesbury, or any one or more of them, in the county of Buckingham, and have a freehold estate, consisting of [*specifying the nature thereof, and, if it consists in messuages, lands, tenements, or tythes, in whose occupation the same are; and, if in rent, the names of the owners or possessors of the tenements out of which such rent is issuing, or of some of them*], situate, lying, or being at in the aforesaid hundreds, or in

one or more of them, of the clear yearly value of
 over and above all rents and charges payable out
 of or in respect of the same; and that I have been in
 the actual possession or receipt of the rents and profits
 thereof, for my own use, above twelve calendar months
 [or, *that the same came to me within the time aforesaid
 by descent, marriage, marriage settlement, devise, or
 promotion to a benefice in a church, or by promotion to
 an office*], and that such freehold estate has not been
 granted or made to me fraudulently on purpose to qualify
 me to give my vote; and that the place of my abode is
 at in and that I am twenty
 one years of age, as I believe; and that I have not been
 polled before at this election.'

Which oath or solemn affirmation the proper officer to
 whom the return of any writ or precept for such election
 shall belong, is hereby required to administer; and in
 case any freeholder or other person taking the said oath
 or affirmation hereby appointed, shall thereby commit
 wilful perjury, and be thereof convicted; or if any per-
 son shall unlawfully and corruptly procure or suborn
 any freeholder or other person to take the said oath or
 affirmation, in order to be polled, whereby he shall com-
 mit such wilful perjury, and shall be thereof convicted,
 he and they for every such offence respectively shall incur
 such penalties as are inflicted on persons guilty of perjury
 or subornation of perjury in and by two acts of Parlia-
 ment, one made in the fifth year of the reign of queen
 Elizabeth, intituled, An act for punishing such persons
 as shall procure or commit wilful perjury, or suborn or
 procure any person to commit any wilful or corrupt
 perjury, and the other made in the second year of the
 reign of his late Majesty king George the second, inti-
 tuled, An act for the more effectual preventing and fur-
 ther punishment of forgery, perjury, and subornation of
 perjury, and to make it felony to steal bonds, notes, or

Penalty for
 taking a false
 oath.

other securities for payment of money, contrary to the said acts.

Proper officer to indorse on the writ for any election, the day of his receiving it, and proceed to the election within a certain period.

4. And be it further enacted, that such proper officer to whom any Writ or precept shall be directed for making any election for the said borough, shall, upon the receipt of such Writ or precept, indorse upon the back thereof the day of his receipt thereof in the presence of the party from whom he received such precept, and shall forthwith cause public notice to be given within the said borough of Aylesbury, and the several towns of great Missenden, Wendover, and Haddenham, by affixing up a notice thereof in writing on the market-houses, or on the doors of the churches of the said towns, of the day of election, and shall proceed to election thereupon within the space of twelve days, and not less than eight days next after his receipt of the same precept.

Act to be read before proceeding to the election.

5. And be it further enacted, that this act shall be publicly read at every election for the said borough of Aylesbury immediately after the acts directed by any act of Parliament to be read thereat, and before the persons present shall proceed to make such election.

CHAPTER II.

PROCEEDINGS ON ELECTIONS FOR ALL PLACES IN
IRELAND, FROM THE ISSUING TO THE RETURN OF
THE WRIT, AND TRANSMISSION THEREOF INTO THE
CROWN OFFICE IN ENGLAND.

IN detailing the several steps in elections for different places in Ireland, reference will, for the sake of brevity, be made as much as possible to the previous statements of proceedings in elections for England, though this cannot be done to any very great extent, on account of the different regulations in the two countries. Before, however, I proceed on this detail, I shall make a short observation on the principal acts of Parliament now in force, relating to proceedings at elections in that country.

The 35 G.3. c.29. (1) repealed the whole or so much of fifteen acts of Parliament as related to this subject, and made some new regulations. By several intermediate acts new provisions were made; and by the 1 G.4. c. 11., intituled, "An act for the better regulation of polls, &c.," an act of the 57 G.3., the title of which is similar, was repealed, and new general provisions were made, without repealing the act of the 35 G.3.

By the 4 G.4. c.55. the act of the 35 G.3., some of the intermediate acts, and also the act of the 1 G.4., so far as they relate to elections for counties of cities and towns, were repealed; the acts, however, repealed by the 35 G.3. c.29., as well as the 57 G.3., repealed by the 1 G.4. are not mentioned, and, therefore, upon the principle that an act, which repeals a statute, by which another was repealed, will be a revivor of the statute which was repealed 12 Co.7.* all these acts will come into opera-

* It cannot, I should think, be argued that this principle of the revival of a repealed statute can be affected by the circumstance of the 35 G.3. having been made before the union of the two Parliaments.

tion again, so far as they respect counties of cities and towns, and are not inconsistent with the clauses of the 4 G. 4.

As, however, it may be inferred from the general tenor of the act of the 4 G. 4. that it was intended to contain the whole body of the law relating to elections for those places, it is with respect to them considered sufficient to refer merely to the clauses of that act.

39 & 40 G. 3.
c. 67. s. 1.
One Parlia-
ment.

The third article of the treaty of union with Ireland is that the united kingdom be represented by one Parliament.

s. 2.
Issuing writs.
Proclamation,
vid. p. 25.

Whenever his Majesty shall by proclamation under the Great Seal of the united kingdom, summon a new Parliament, the chancellor, keeper, or commissioners of the Great Seal of Ireland, shall cause writs to be issued to the several places therein specified, and on a vacancy being certified to them by the proper warrant, shall cause a writ to issue, for the election of a person to fill up such vacancy.

Form of writ
mutatis mutan-
dis, vid. p. 25.

There is no provision for the transmission of writs similar to those for England and Scotland stated at p. 2; but they should be delivered to the proper officer, and by the common law, as well as by the law of Parliament, any negligence or misconduct in the carriage of them may be punished.

1 G. 4. c. 11.
s. 5.
Knights of
shires.
4 G. 4. c. 55.
s. 33.
Counties of
cities and
towns, receipt
of writ, notice
of election,
vid. p. 27.
Knights of
shires not later
than the 16th,
nor sooner
than the 10th.
County of city
and town not
later than the
8th, nor sooner
than the 4th.

Immediately after the receipt of the writ, the returning officer shall indorse thereon the date of receiving the same, and within two days after the receipt thereof cause proclamation of the time and place of election, to be made at the usual place between 10 A. M. and 2 P. M. and shall cause to be affixed on the doors of the court house, of such county, public notice of a special county court to be holden for such election only, on some day (Sunday, Christmas-day, and Good Friday excepted), not later from the day of proclamation, and affixing such notice in elections for knights of shires, than the *sixteenth* nor sooner than the *tenth* day, and for counties of cities and towns, than the *eighth* day, nor sooner than the *fourth* day.

35 G. 3. c. 29.
s. 2.

The election for knights of a shire shall be where

the assizes for such county, and in the county of Dublin, where the sessions of the peace were last held.

The sheriff of every county shall, within four days after the receipt of the writ, issue his precept, and cause the same to be delivered to such officer of such place as made the last return to Parliament, and to no other person.

Knights of shires place of election.

35 G. 3. c. 29.

s. 3.

Sheriff issuing

precept to

boroughs,

vid. p. 27.

The mayor, sovereign, portrieve, provost, burgomaster, bailiff, or seneschal of such place, shall hold the election for the same, not later than eight days after the receipt of the precept, having in the usual public place affixed a notice under his hand, of the time and place of such election, four days at the least preceding such election.

1 G. 4. c. 11.

s. 5.

Boroughs no-

tice of election,

vid. p. 29. not

later than the

8th, nor sooner

than the 4th.

The returning officer shall, upon demand by any candidate, in writing under his hand three days at least previous to the day of election, erect or hire near the place of election, as many buildings as such candidate shall desire, provided the number of electors polled on any former election exceeded two hundred, and that the number of buildings, together with the place appointed for holding the election, shall not exceed one for every hundred electors polled at any former election, and the returning officer shall appoint a clerk and a deputy for each place, except where he shall preside, and the expence of such booths, and the wages of such deputy, and clerk, not exceeding a guinea a day each, shall be paid jointly by the candidates to the returning officer on demand.

35 G. 3. c. 29.

s. 6.

Boroughs'

booths,

No candidate for a city, town, or borough, shall employ more than one hired agent or clerk for every hundred voters at the last or any previous election, on pain of forfeiting one thousand pounds to any person suing for it.

s. 20.

Towns and

boroughs.

Not more than

1 agent for 100

voters.

Penalty 1000*l*.

s. 73.

Towns and

boroughs.

4 G. 4. c. 55.

s. 31.

Counties of

cities and

towns.

Inspection of

books of free-

men.

The returning officer of any corporation shall, upon the demand by 35 G. 3. of a candidate at any time before, and within one month after any election, and by 4 G. 4. of a candidate, agent, or freeman, at any time, between twelve and three o'clock in the day, permit the inspection of the books, and the having copies or minutes

of the admissions of so many freemen, as such candidate, agent or freeman, shall think fit upon payment of two shillings and sixpence for the inspection, and two shillings and sixpence for every admission, and on refusal by such officer he shall forfeit by 35 G. 3. fifty pounds, and by 4 G. 4. one hundred pounds.

35 G. 3. c. 29.
s. 58.
Boroughs,
inspection of
books of inha-
bitants.

The clerk of the peace shall keep a book for the purpose of registering the names of the inhabitants of boroughs, when the right of voting is vested in inhabitants solely or jointly with others, and shall have the same open to the inspection of any registered inhabitant requiring it between twelve and two o'clock in the day, and giving twenty-four hours' notice, and shall make a copy of such names or of the index as such inhabitant shall require.

35 G. 3. c. 29.
s. 62.
Sheriff of the
county to
require the
clerk of the
peace to de-
liver registry
books of inha-
bitants to
church-
wardens.

The sheriff of the county shall, on the receipt of a writ for an election for a borough, require the clerk of the peace to deliver to the churchwardens of the parish, where such borough lies, the book for registering the names of inhabitants claiming to vote thereat, and the churchwardens, with such book and the duplicate thereof in their possession, shall attend the returning officer through the whole of the election, unless one of them shall by an elector be required to attend in a deputy's court, with his book of registry to be freely inspected in their hands during the election, by any person concerned therein.

s. 5.
Knights of
shires' booths.

When the sheriff shall apprehend a contest, or a candidate shall, three days previous to the day of election, require it, such sheriff shall erect or hire so many buildings as, together with the county court house, shall make up as many places of polling as there are baronies or half baronies in the county, and shall appropriate one to each barony, the name whereof shall be affixed in legible characters on some conspicuous part of the outside thereof, and shall appoint a clerk and a deputy for each, except where he shall preside.

Whenever the number of freeholders in any barony or half barony of a county, or in a county of a city or town, appearing by the books of the clerk of the peace shall exceed eight hundred, the returning officer shall provide two or more places for the polling the freeholders for such baron or half barony, or for such county of a city or town, and make such division according to the first letters of their names, that more than eight hundred freeholders, need not poll in one place of polling, but not so as to divide the names beginning with the same letter; and such officer shall appoint as many deputies and poll clerks as shall be necessary to take the poll in such place, not exceeding one deputy, and one poll clerk for each place; *provided that in counties of cities or towns*, no greater number of polling places shall be provided by such officer, than one for every eight hundred freeholders capable of voting at such election.

1 G. 4. c. 11. s. 6.
Knights of shires.
4 G. 4. c. 55. s. 34.
Counties of cities and towns.
Where more than 800 freeholders in one barony or half barony, or in a county of a town, additional poll places provided, and an alphabetical division of freeholders made.
Counties of cities or towns not more than one poll place for every 800.

The sheriff shall not appoint any person to act as deputy, who has not a freehold estate of the yearly value of fifty pounds.

1 G. 4. c. 11. s. 21.
Knights of shires.
Qualification of deputy.

There is no provision as to the value of the estate of deputies in other places, unless the 57 G. 3. c. 131. s. 30. be considered to be yet repealed, and to extend to counties of cities or towns.

Whenever the number of freemen appearing by the roll capable of voting shall exceed one thousand, the returning officer shall provide two places for the polling of the freemen, and shall appoint as many deputies and poll clerks as shall be necessary, not exceeding one deputy and one poll clerk at each place; the places of polling of freemen to be distinct from the places of polling of freeholders, provided that no greater number of polling places than two shall be provided.

4 G. 4. c. 55. s. 35.
Counties of cities or towns.
When more than 1000 freemen, two places for polling.
Freeman's place distinct from that of freeholder for such county of a city or town.

It may be a question whether this provision limits the whole number of polling places to two, or to two for freeholders and two for freemen.

The returning officer may summon all constables, bailiffs, and peace officers to attend the places of polling,

1 G. 4. c. 11. s. 22.
Knights of

shires and boroughs.
4 G. 4. c. 55.
s. 66.
Counties of cities and towns.
Returning officer may summon peace officers.

1 G. 4. c. 11.

s. 8.

Knights of shires.

4 G. 4. c. 55.
s. 44.

Counties of cities and towns.

Freeholders.

Appointment of deputy and assistant deputy.

Clerk of the peace to attend with registry books.

and perform such things as shall be assigned to them by the returning officer, and to appoint any number of special constables to assist therein; and every constable, bailiff, and peace officer summoned, who shall neglect to attend during such election, or obey the commands of the returning officer, shall forfeit such office, and all salary in respect thereof.

The clerk of the peace shall, or in failure thereof, by 1 G. 4. the returning officer, and by 4 G. 4. the sheriff or other inferior officers, shall appoint by the latter act, *a deputy clerk of the peace to attend with the original registry books of all freeholds at the booth for the returning officer*, and by both acts a deputy clerk of the peace, and one assistant to such deputy to be present in such place of polling, (of freeholders for counties of cities and towns;) and such deputy shall take with him into such poll place the registry books that shall contain the names of the freeholders to be polled in such place of polling, and the original affidavits or affirmations made by the persons capable of voting in such place, which affidavits or affirmations the clerk of the peace shall have arranged alphabetically in separate parcels, and indorsed with the names of the persons by whom the same were made, and also the number in the original registry book; and such deputy clerk shall receive ten shillings and no more, and the assistant to such deputy five shillings for each day's attendance; and if either of them shall alter, deface, destroy, or lose any affidavit or affirmations, he shall forfeit 10*l.* to any person suing for it; and by 37 G. 3. c. 47. s. 6. *the clerk of the peace for every book which he shall omit to deliver to the sheriff shall forfeit 500*l.**

This now extends only to knights of shires.

1 G. 4. c. 11.

s. 31.

Knights of shires.

Clerk of the crown to

The clerk of the peace shall produce at the Spring assizes in every year a printed copy of all entries in the registry books of each barony or half barony during the preceding year, corrected and certified by him up to the

first January, and such copy shall in the presence of the judge be delivered to the clerk of the crown, who shall sign and date the same, and such copy shall be preserved among the records of such county, and shall be as valid, as the original books at any election, if the same shall not be produced by the clerk of the peace, and the clerk of the crown shall produce the printed copies at any election, if required by the sheriff of the county to which they belong.

The clerk of the peace shall deliver to any freeholder, upon request, copies of the registry of all freeholders in the county within ten days.

The town clerk or other officer having charge of the books relating to the granting or electing of or admissions to freedoms, shall, or in failure thereof the returning officers shall appoint a deputy town clerk, or other such officer as shall have charge of such books, and such deputy shall attend in the place appointed for the attendance of such returning officer, and shall take such books with him, and if the returning officers shall deem it expedient to refer to any of the entries contained in such books, such deputy shall produce the same to such returning officer, and such deputy or other returning officer shall be entitled to receive the sum of ten shillings and no more for each day's attendance.

The officer having charge of the roll of freemen shall provide a copy thereof for each place of polling freemen, and shall, or in failure thereof the returning officers shall, appoint a deputy for such officer for each place of polling freemen, who shall take with him to such place of polling a copy thereof, and shall produce and refer to the same as the returning officers or their deputy may direct, and each deputy shall receive ten shillings and no more for each day's attendance.

There is no provision for the removal of the military from the place of election in Ireland. By the 4th article of the treaty of union an estate of the same value, except for the college of Dublin, is necessary

as a qualification for an M. P. for Ireland, that is required in England, but there is no oath, that a candidate can be called upon to take, as to the value of his estate. The election is commenced in the same manner that it is in England, *vid.* p. 10.

1 G. 4. c. 11.
s. 2.

Knights of
shires and
boroughs.

4 G. 4. c. 55.

s. 36.

Counties of
cities and
towns. Poll.
Commence-

ment. Length
15 days.

1 G. 4. c. 11.

s. 19.

Knights of
shires and
boroughs.

4 G. 4. c. 55.

s. 64.

Counties of
cities and
towns. Hours
of commencing
and ending the
poll each day.

35 G. 3. c. 29.

s. 2.

Knights of
shires.

35 G. 3. c. 29.

s. 9.

Knights of
shires and
boroughs.

Oath of
returning
officer.

The poll shall begin on the day when demanded, or the day after, (unless such day shall be a Sunday, Christmas-day, or Good Friday, and then on the day next after,) and shall be proceeded in from day to day (the excepted days excepted) until finished, but no poll shall continue more than fifteen days, and if it shall continue till the fifteenth day, it shall be closed at three o'clock on that day.

The poll shall be kept open for knights of shires and for boroughs, from 9 A. M. to 6 P. M., and for counties of cities or towns, from 10 A. M. to 5 P. M. between 15th April and 15th September, and for the former places from 9 A. M. to 5 P. M., and for the latter places from 10 A. M. to 4 P. M. between 15th September, and 15th April, except on the morning of the first day, and in the afternoon of the last day.

The sheriff shall not adjourn to any other town or place, nor without the consent of the candidates, longer than from day to day, except from Saturday to Monday.

The returning officer shall, before the commencement of polling, take and subscribe in open court the oath following, which a justice of the peace shall administer;

4 G. 4. c. 55. s. 37. Counties of cities and towns.

"I, *A. B.* do swear that I will honestly, impartially, and without favour to any candidate, take the poll at this election, and that I have not directly or indirectly received, nor will I hereafter directly or indirectly receive any money, gift, reward, promise, contract, or security for money or other reward for or in respect of the conduct, which I shall observe during the ensuing poll, or the return which I shall make at the close thereof, except the expences of erecting booths, hiring buildings, keeping them in repair, and the payment of clerks and deputies and counsel for my assistance, and that I will return such person or

persons, as shall appear to the best of my judgment at the close of the poll, to have the majority of legal votes."

And every deputy shall, before he proceeds to take the poll, take and subscribe in open court the oath following, which the returning officer shall administer :

"I, *A. B.* do swear that I will honestly, impartially, and without favour to any candidate, take the poll at this election, and that I have not directly or indirectly received, nor will I hereafter directly or indirectly receive any money, gift, reward, promise, contract, or security for money or other reward for or in respect of the conduct I shall observe during the ensuing poll, and that I will make a fair and true return of all such persons as shall tender their votes before me, to be by me taken to the returning officer or officers by whom I am appointed, whenever and as often as I shall be thereunto required by him or them."

Oath of deputy.

And a memorandum of the said oaths being taken, shall be entered on the poll book.

Memorandum to be entered on the poll book.

The clerks for taking the poll of freeholders shall, before beginning to take the poll, take the oath following:

1 G. 4. c. 11. s. 41.

"I, *A. B.* do swear that I will at this election, of a member (or members, as the case may be) to serve in Parliament, for the county, county of the city or county of the town, (as the case may be) of truly and indifferently take the poll, and set down the number opposite to the name of each freeholder in the registry book his name and the place of his abode, and the situation and the value of his freehold, and for whom he shall poll."

Knights of shires. 4 G. 4. c. 55. s. 38. Counties of cities and towns. Poll clerks' oath for taking the votes of freeholders.

Which oath the returning officer shall administer.

The clerks for taking the poll of freemen shall, before beginning to take such poll, take the oath following:

4 G. 4. c. 55. s. 39.

"I, *A. B.* do swear that I will at this election of a member (or members, as the case may be) to serve in Parliament for the county of the city or the county of

Counties of cities and towns. Poll clerks' oath for taking the votes of freemen.

the town, (as the case may be) of truly and indifferently take the poll, and set down the name and the place of abode of each freeman, and for whom he shall poll.² Which oath the returning officer shall administer.

No oath for the poll clerks of voters in town or boroughs is provided by any act.

4 G. 4. c. 55.
s. 41.
Counties of
cities and
towns.
Appointment
of inspectors
and cheque
book clerks.

The deputies appointed by the returning officers shall appoint in each place of polling a person nominated by each candidate to be an inspector of the poll clerk, and the agent of such candidate, and another person for and to be nominated by such candidate, to be a clerk for keeping a cheque book of the poll book.

There is no express provision for appointing inspectors or clerks for keeping a cheque book in elections for knights of shires or for boroughs, though the use of them is implied in several clauses of the 1 G. 4.

1 G. 4. c. 11.
s. 13.
Knights of
shires and
boroughs.
4 G. 4. c. 55.
s. 61.
Counties of
cities and
towns.
Instructions to
deputies.
35 G. 3. c. 29.
s. 10. Knights
of shires and
boroughs.
4 G. 4. c. 55.
s. 62. Counties
of cities and
towns. De-
puties to close
poll books.
35 G. 3. c. 29.
ss. 7. 11.
Knights of
shires and
boroughs.
4 G. 4. c. 55.
s. 43. Counties
of cities and
towns. De-
puties may be

The returning officer shall give such instructions in writing to his deputies, as may be necessary to point out what is required of them, in respect of the objections to votes, and of the manner of transmitting them to such officer, (and by 4 G. 4. in respect of their duties as such deputies,) and they shall obey the instructions so (or by 1 G. 4. in any other manner) given by such officer.

Every deputy shall, upon notice, close and deliver his poll book each day to the returning officer, who shall sum up and read aloud the number of votes polled on each day, and if any deputy shall refuse to deliver his poll book when required, or continue to take the poll when required to stop, and before being directed to proceed, he shall forfeit 50*l.*, and the votes shall be void.

The returning officer may remove any deputy, and appoint another in his room, or may change any deputy from one booth to another, but such removal or new appointment, or change of a deputy from one booth to another, shall be proclaimed in the place where such deputy shall take the poll.

removed. Removal proclaimed.

1 G. 4. c. 11.
s. 9. Knights

The officers on demand in writing of any candidate may appoint interpreters of the oaths, affirmations, and

the questions and answers required to be taken, made, or asked, who shall take the following oath, which the returning officer shall administer:

of shires and boroughs.
4 G. 4. c. 55.
s. 43. Counties of cities and towns. Appointment of interpreters.

"I, *A. B.* do swear that I will faithfully interpret such oaths, affirmations, questions and answers, as I shall be directed to interpret by the returning officer or officers, and his or their deputy or deputies, [as the case may be]." Every such person shall receive ten shillings for each day's attendance.

Oath.

Persons voting in Ireland as *Protestants*, are by the Irish st. 2 Ann. c. 6. Oaths, vid. s. 15. required to make the declaration against transubstantiation, vid. pp. 41 and 103. p. 103.; and the oath of abjuration, vid. p. 41; and as Papists by 33 G. 3. c. 21. s. 7. the oaths and declarations in the Irish acts of the 13 and 14 G. 3. c. 35. s. 1., and the 33 G. 3. c. 21. vid. pp. 104 and 106., which, however, by the 37 G. 3. c. 47. s. 19. and 51 G. 3. c. 77. s. 3., if they take before the election, and procure certificates thereof, they may vote.

The returning officer shall, immediately on the request of a candidate under his hand, nominate two or more justices of the peace to administer the oaths and declarations required by the 13 & 14 G. 3. (1) c. 35, & 33 G. 3. (1) c. 21., to be taken and subscribed by Papists in some convenient place so as not to interrupt the poll, and the clerk of the peace, or a deputy by him appointed in writing under his hand, shall attend such persons during the administration of such oaths and declarations, and give to every person, on taking and subscribing such oaths and declarations, a certificate thereof, and such person so appointed shall take the following oath; (that is to say,)

51 G. 3. c. 77. s. 4.
At all places. Appointment of persons to administer oaths to Papists.
Form of oaths, vid. p. 104.
Clerk of the peace to give certificate to persons applying.

"I, , do swear, that I will faithfully and impartially administer the oaths and declarations now required to be taken and subscribed by Papists or persons professing the Roman Catholic religion, by an act passed in the thirteenth year of his present Majesty's reign, intituled, 'An act to enable his Majesty's subjects, of whatever persuasion, to testify their allegiance to him;' and also another act, passed in the thirty-third year of his present Majesty's reign, intituled, 'An act for the relief of his

Oath by persons administering the oaths.

Majesty's popish or Roman Catholic subjects in Ireland."

Oath by the clerk of the peace.

And every clerk of the peace, or his deputy, shall take the following oath ; (that is to say,)

" I, , do swear, that I will, on being thereunto requested, fairly and truly give to every person who shall now take and subscribe the oaths and declarations required by law to be taken by persons professing the Roman Catholic religion, in order to entitle them to vote at any election before the commissioners appointed by the returning officer for that purpose, a certificate thereof as required by law : and that I will not give any such certificate to any person before he shall have taken and subscribed such oaths and declarations as shall be mentioned in such certificate, before me and in my presence. Both of which oaths the returning officer shall administer."

1 G. 4. c. 11.
s. 20.

Knights of
shires and
boroughs.

4 G. 4. c. 55.
s. 65.

Counties of
cities and
towns.

Closing booths
where 20 have
not polled.

The returning officer may, on any day after the fourth day of polling, close any booth where not more than twenty persons have polled, or been referred for decision to the returning officer during that day, provided that if it shall appear to the returning officer, upon the evidence of two persons upon oath administered by him, that any persons have been prevented by violence from polling at the same on that day, such officer may keep open the booth for another day, and so from day to day on proper evidence.

1 G. 4. c. 11.
s. 11.

Knights of
shires and bo-
roughs.

4 G. 4. c. 55.
s. 47.

Counties of
cities and
towns.

The deputy shall, if required by a candidate or inspector, in person, at the place where he presides, administer the following oath to every person separately who shall offer to poll ; and immediately after the production of the certificate or affidavit of registry, when any such person offers to vote by virtue of a freehold :

" I, A. B. do swear, (or, being a Quaker or Moravian, do solemnly affirm,) that I will true answer make to all such questions as the sheriffs or other returning officers' deputy (as the case may be) presiding in this booth shall demand

of me; and I do also swear, (or, being one of the people called Quakers or Moravians, do solemnly affirm,) that I have not polled before at this election, and that I am, as I believe, twenty-one years of age." So help me God.

The deputy shall, if required by a candidate or an inspector, administer the oath following to any person before he shall be permitted to poll :

^{1 G. 4. c. 11. s. 17.}
^{Knights of shires and boroughs.}
 4 G. 4. c. 55. s. 48. Count. of cit. and towns. Oath of not having received a bribe.

"I, *A. B.* do swear, (or, being of the people called Quakers, do solemnly affirm,) I have not received or had myself, or any person whatsoever in trust for me, or for my use and benefit, or for the use and benefit of any of my family or kindred to my knowledge or belief, directly or indirectly, any sum or sums of money, office, place or employment, gift or reward, or any promise or security for any money, office or employment, in order to give my vote at this election."

Every freeholder shall be polled only in the booth appropriated to the barony or half barony in which the freehold, for which he offers to vote, is wholly or in part situate.

^{35 G. 3. c. 29. ss. 7.}
^{Knights of shires.}
^{baronies.}
 Freeholders to be polled in booths appropriated to their

Rules are made as to erecting booths for the city and the liberties thereof, and the town and liberties of Coleraine and the polling of freeholders in the appropriate booths.

When any person shall offer to poll by virtue of a freehold, the returning officer shall in the first place refer to the entry in the registry book, and write down opposite to the same the initial letters of his name, and then shall refer to the certificate or affidavit of the registry of the same, if required by a candidate or an inspector of a candidate so to do; and if such person shall produce a certificate of the registry corresponding with the entry without any erasure or interlineation duly signed, such certificate shall be deemed conclusive evidence, that such person had registered such freehold, and the deputy shall write down the initials of his name upon the margin of

^{1 G. 4. c. 11. ss. 10. 11.}
^{4 G. 4. c. 55. ss. 49. 50.}
^{Deputy to refer to registry book, and certificate of registry deemed conclusive evidence; and in default thereof the original affidavit.}

the certificate ; and where no certificate shall be produced, or such certificate shall not be in the proper form, the returning officer's deputy shall direct the deputy clerk of the peace to produce the original affidavit or affirmation.

4 G. 4. c. 55.
s. 50.
Counties of
cities and
towns.
When entry of
freehold ap-
pears in regi-
stry, and the
certificate or
original affida-
vit be pro-
duced, vote to
be taken, un-
less objections
made.

When the entry of the affidavit or affirmation shall appear in the registry book, and such person shall have produced a proper certificate of registry, or the original affidavit or registry shall have been produced, and such person shall have taken the oaths aforesaid, if required so to do, such deputy shall then ask such person for whom he votes, and the vote of such person shall be entered on the poll book according to his answer, unless such deputy shall be required to put to such person the questions after mentioned, or unless an objection to such vote be made as directed.

There is no clause of the 1 G. 4. exactly similar to the above part of this section.

1 G. 4. c. 11.
s. 11.
4 G. 4. c. 55.
s. 50.

Provided that the returning officer's deputy may take the vote of any person offering to poll, whose freehold appears in the registry book, without referring to the certificate or affidavit or affirmation of registry, or in elections for knights of shires without administering any oath, or putting any question to such person, except the question 'For whom do you vote?' if not required by a candidate, or an inspector of a candidate, so to do.

1 G. 4. c. 11.
s. 11.
4 G. 4. c. 55.
s. 51.
Questions to
be asked of
freeholders.

The returning officer's deputy shall, if required by a candidate, [or an inspector, s. 11.] [or an agent, s. 51.] put the following questions, and no others, to any person offering to poll, without allowing any person to interpret him :

1. What is your name?
2. Where do you reside?
3. Do you swear that you are possessed of a freehold in the county of . . . ? (naming the county or the county of a city or county of a town for which the election is

held.) 4. Where is such freehold situated? (And the deputy shall then, if required by any candidate, or the inspector of any candidate, refer to the certificate of registry, if one be produced by the person offering to poll, or if none, to the original affidavit of registry, and then shall immediately ask, if required by any candidate, or the inspector of any candidate, without making or allowing any other person to make any observations upon the said certificate or affidavit, the following questions :) 5. Is the freehold described in this certificate or affidavit of registry, (as the case may be,) the same freehold which you now swear you are possessed of, or by virtue of which you now offer to vote? (And in case it shall appear to the returning officer's deputy, from the certificate or affidavit of registry, that any person shall offer to poll in respect of a freehold of the value of forty shillings only, the said deputy shall then, if required by any candidate (or by the 1 G. 4. the inspector of any candidate) so to do, put the following questions :) 6. Do you swear that you have been in the actual occupation of this freehold as described in your certificate or affidavit of registry, (as the case may be,) by tilling it or by grazing it, or by residing upon it during the whole of the last twelve months? 7. Do you swear that this freehold is now of the clear yearly value of forty shillings above all charges payable out of the same?

And when such person shall have answered the questions demanded of him as aforesaid, such deputy shall ask for whom he votes, and the vote shall be entered in the poll book according to his answer, unless an objection be made to such vote by an inspector of a candidate; provided that if it shall appear from the answers which shall be given by any person to the first four questions aforesaid, that his freehold arises from a rectory, vicarage, curacy, or other ecclesiastical preferment, the said deputy shall not put the other questions, but shall forth-

with ask such person for whom he votes, and the vote of such person shall be entered in the poll book according to his answer, unless an objection be made to such vote by an inspector of a candidate; provided that if an entry of the affidavit or affirmation of the registry of the freehold shall not appear in the registry book, or if any person offering to poll shall not either produce such certificate of registry, or be able to refer to an original affidavit or affirmation of his registry in the possession of the deputy clerk of the peace, or if any such person shall refuse to take the oath aforesaid, or shall not give a direct answer to each of the questions to be put to him by the returning officer's deputy, or the person so examined shall admit in his answer to the said questions that he is not the person whose freehold is registered, or that he has no freehold, or that the freehold described in his certificate or affidavit or affirmation of registry (*as the case may be*) is not the freehold for which he tenders his vote, or that he has not been in the occupation thereof for the whole of the last twelve months, or that the same is not at the time of tendering his vote of *the value of forty shillings above all charges* payable out of the same, then such deputy shall direct such person to withdraw from the poll place, and refer such person to the returning officer or the assessor for examination, and proceed immediately to receive the vote of the next person who shall offer to poll.

35 G. 3. c. 29.

s. 51.

4 G. 4. c. 55.

s. 7.

No tax or rate shall be deemed a charge.

1 G. 4. c. 11.

s. 17.

Knights of shires.

No person shall require an elector to take any other oath respecting his freehold.

4 G. 4. c. 55.

s. 52.

Counties of cities and towns.

Questions to be asked of freemen.

When any person shall offer to poll [it should be as a freeman], the returning officer's deputy shall, if required, put to such person the following questions, and no other: What is your name? Are you a freeman of the county of the city or county of the town? (*naming the county of a city or of a town for which the election is held.*) Have you been sworn?

Provided that where the right of election shall have been determined under any acts of Parliament now in force for the trial of controverted elections or returns of members to serve in Parliament to be in the resident freemen only, the returning officer's deputy shall, if required, put the following additional questions to any person offering to vote as a freeman :

When were you admitted a freeman thereof, or elected a freeman thereof, or was the freedom thereof granted to you, to the best of your knowledge and belief? Where did you reside in the month of in the year ?
(*Here stating the time of admission, election, or grant of the freedom.*) And the answers to which questions shall be inserted in the poll books, and when the person offering to poll shall have answered such questions, such deputy shall ask such person for whom he votes, and the vote of such person shall be entered in the poll book according to his answer, unless an objection be made to such vote.

A deputy of a returning officer shall not put any ^{1 G. 4. c. 11.} questions to or investigate the right of any person of- ^{s. 15.} fering to poll except as aforesaid, or make any comment ^{Knights of} on the answer given, or on any matter relating to the ^{shires.} ^{4 G. 4. c. 55.} ^{s. 60.} vote.

If the registry book kept by the clerk of the peace, ^{35 G. 3. c. 29.} and the copy thereof kept by the churchwardens, shall ^{s. 67.} both be proved upon oath to be administered by the re- ^{Towns and} turning officer, to have been lost, destroyed, or withheld, ^{boroughs} or so defaced, so as to be illegible, a certificate signed ^{inhabitants.} by the court, and countersigned by the clerk of the peace, (as directed by s. 66.) shall be deemed evidence of the due registration.

There is no provision enabling a person to vote as an inhabitant when the registry book is defaced, and no certificate has been obtained.

No person shall vote as an inhabitant only unless ^{35 G. 3. c. 29.} appearing to be registered in the books twelve months ^{s. 63}

Towns and
boroughs.

before the election, except in the case of the books being destroyed or defaced, and a certificate being produced, and then the returning officer shall, if required by any electors, administer to such person the oath or affirmation following :

Oath of inha-
bitants.

I, *A. B.* do swear (or if a Quaker do affirm) that I am a resident inhabitant in the borough of _____ in the county of _____ (and where the borough is situated in two counties by s. 64. a resident inhabitant of that part of the borough of _____ which lieth in the county of _____,) and that I have been so for these twelve months last past, and duly proved and registered my residence twelve calendar months before the present vacancy, and that my house is situated in _____, and that my next neighbours are _____, and that I am not an inmate or lodger with any other person in said borough, nor have I been, so at any time within these twelve months last past, but have paid the usual and customary taxes, and cesses, in said borough as an householder, which have been legally demanded of me, and that I did not divide my house, or outhouses, or suffer my house or outhouses to be divided in order to multiply votes at this election, and that I did not come to reside in said borough since the present vacancy happened, nor in order to give my vote at this election; and that my said house, exclusive of my land, annexed to or let with it, except that whereon it stands with its offices and back and other yard, is to the best of my knowledge and belief, worth the sum of five pounds yearly rent, and that I believe the same may be let for said sum of five pounds yearly to a responsible tennant.

So help me God.

And if any candidate or an elector shall require it these words shall be added to said oath, (viz.) and that I am of the age of twenty-one years as I verily believe.

There is no provision enabling deputies to examine persons entitled to vote in boroughs or towns, whether as inhabitants or freemen.

35 G. 3. c. 29. s. 22.

The returning officer may employ a barrister to assist him in the execution of his duty, and any candidate may pay any sum he thinks proper towards defraying the expence thereof.

Knights of shires and boroughs. Returning officer may employ a barrister.

There is no provision similar to this for counties of cities and towns.

The returning officer shall erect or hire a building, unless there be some convenient place, where he may decide all disputed questions, and all objections to votes referred to him, and which booth shall be separate from, and exclusive of the number of booths necessary for the polling of electors, and such returning officer shall give his constant attendance in such booth each day; and in case any question or objection shall not be decided during the time which the poll shall be kept open, the returning officer shall give his attendance in his booth, and proceed to decide the same by 1 G. 4. from seven o'clock to ten o'clock of the afternoon of each, except the last, day, and by 4 G. 4. after the polling shall have ceased, or before it shall have commenced on each, except the last, day.

1 G. 4. c. 11. s. 7. Knights of shires and boroughs. 4 G. 4. c. 55. s. 40. Counties of cities and towns. Sheriff shall attend at a booth separate from polling booths, to decide disputed questions. 1 G. 4. c. 11. s. 19., 4 G. 4. c. 55. s. 64. Latter part.

No objections shall be made to a vote until the person shall have declared for whom he votes, and the poll shall not be account of an objection by an inspector of a candidate be delayed, but the deputy shall direct the poll clerk to enter a memorandum on the poll books, shewing to which candidate such person has given his vote, and he shall immediately proceed to take the vote of the next person offering to poll; and the inspector making the objection shall write down a memorandum on a printed form, to be provided by the returning officer, containing the name and place of abode of the voter, and the nature of the objection, and sign and date the same, and give the same to the deputy, who shall sign the same with the initial letters of his name, and then give it to the assistant deputy clerk of the peace, who shall take it with the certificate or affidavit or affirmation of registry,

1 G. 4. c. 11. s. 12. Knights of shires and boroughs. 4 G. 4. c. 55. s. 53. Counties of cities and towns. Where vote is objected to a memorandum shall be made by the poll clerk for the returning officer to decide.

if necessary, to the returning officer to decide on the validity thereof; and the returning officer, or his assessor, may order the voter to attend him during the enquiry into his vote, and examine him, by such questions as may seem necessary, as to any objection made to his vote, and such officer or his assessor shall administer the following oath to him :

Oath to be administered to such voter.

“ I, *A. B.* do swear (or being a Quaker or Moravian do solemnly affirm), that I will true answers make to all such questions as shall be here put to me by the returning officer or officers or his assessors,” (as the case may be).
So help me God.

Vote may be allowed or rejected by returning officer or his assessor.

And if the vote be allowed or disallowed, the returning officer or his assessor shall write down upon the memorandum “ allow this vote,” or, “ reject this vote,” according to the determination which he shall come to on such vote, and the returning officer or his assessor shall write down the initials of his name upon the memorandum, and shall then deliver the same to the same assistant deputy clerk of the peace, who had brought it to him to be forthwith carried back to such deputy, who shall either reject such vote, or order the poll clerk to enter the same upon the poll according as he shall be directed by the returning officer or his assessor; and every such memorandum shall be preserved by such deputy, and be attached to the poll books at the close of the election, and the form of the said memorandum shall be as follows :

These forms do not extend to voters in towns or boroughs. By the 37 G. 3. c. 47. s. 12., however, where a deputy shall not think himself competent to determine a question respecting the right of a person to vote, he may send to the sheriff, who shall receive or reject the vote.

Form of Objection as to freeholders, by 1 G. 4. c. 11. s. 12., and 4 G. 4. c. 55. s. 53.			
1 G. 4. Barony of			
Number in the Registry Book.	Name of Voter.	Abode * of Voter.	Objection.
		(Signed)	
		Dated day of 18 .	
Allow this vote. (Signed)		Reject this Vote. (Signed)	

Form of Objection as to Freemen, by 4 G. 4. c. 55. s. 53.		
Name of Voter.	Abode of Voter.	Objection.
	(Signed)	
	Dated day of	
Allow this Vote. (Signed)		Reject this Vote. (Signed)

Form of Objection to Freemen where the right of Election shall have been determined under and by virtue of any Act or Acts of Parliament now in force for the Trial of controverted Elections or Returns of Members to serve in Parliament, to be in the resident Freemen. (4 G. 4. c. 55. s. 53.)			
Name of Voter.	Date of original entry in corporation books of election to, grant of, or admission to freedom.	Residence at time of original entry in corporation books of election to, grant of, or admission to freedom.	Objection.
		(Signed)	
		Dated day of	
Allow this Vote. (Signed)		Reject this Vote. (Signed)	

When an objection not different from one previously ruled, the deputy shall not transmit it, but shall admit the vote.

Provided that in case any objection, not in substance different from one previously ruled by the returning officer or his assessor, be taken, or in case any objection be taken, which shall appear to such deputy to be frivolous, or taken for the purpose of delay, then the deputy shall not transmit the memorandum containing such objection to the returning officer, but shall admit the vote objected to, to be entered upon the poll.

4 G. 4. c. 55.
s. 54.
Counties of cities and towns.
Directions to returning

If an entry of the affidavit or affirmation of the registry of the freehold required by law to be registered shall not appear in the registry book, or if any person offering to poll shall not either produce a certificate of registry, or be able to refer to any original affidavit, or affirmation

of his registry in the possession of the deputy clerk of the peace, or if he shall refuse to take the oath aforesaid, or shall not give a direct answer to each of the questions, to be put to him by the returning officer, or his assessor, or if it shall appear to such returning officer by the admission of the person, or by a due examination of one or more credible witness or witnesses upon oath, (which oath the returning officer may administer,) that the person offering to vote by virtue of a freehold has polled before at such election, or has personated another elector, or has polled by virtue of a forged certificate of registry, or offers to poll by virtue of a registry of an alleged freehold, under a lease for life, made by a lessor who had not a freehold estate therein; or by virtue of a registry of an alleged freehold under a lease for life, which lease is to determine on some such condition that a freehold estate has not been demised thereby, or by virtue of any freehold estate, of which he shall not be bonâ fide seized; then and in every such case the returning officer shall reject the vote of such person.

No clause similar to this is in the 1 G. 4; but under that act the returning officer may exercise his discretion generally as to the rejection or admission of votes.

If it shall appear to the returning officer that any person offering to poll has personated any freeman for the purpose of polling, or that such person is not a freeman, or (unless the freedom of such person shall have come to him by service, birthright, or marriage,) that he has not been admitted to his freedom, or that his freedom has not been granted to him six months before the teste of the writ for holding such election, then such returning officer shall reject the vote of such person.

If any person shall be admitted to poll who has polled before, or who has personated another elector for the purpose of polling, or who has polled by virtue of a

officer when
to reject votes
of persons
claiming to be
freeholders.

4 G. 4. c. 55.
s. 55.
Counties of
cities and
towns.
Directions to
returning
officer when to
reject votes of
persons
claiming to be
freemen.

a. 56.
Counties of
cities and
towns.

Improper votes to be taken off the poll by the returning officer, on complaint of candidate, before the final close of the poll.

Act complained of, to be proved by a witness on oath the same day as it was committed.

1 G. 4. c. 11. s. 14.

Knights of shires and boroughs.

4 G. 4. c. 55. s. 57.

Counties of cities and towns.

Returning officer or

assessor only to examine voters

1 G. 4. c. 11.

s. 24.

Knights of shires and boroughs.

4 G. 4. c. 55. s. 67.

Counties of cities and towns.

On the death or illness of returning officer, the first

forged certificate of registry, or who has polled by virtue of a registry of an alleged freehold, *under the circumstances stated as to persons offering to vote in the last section but one*; the returning officer shall, upon the complaint of any candidate, take the vote of such person off the poll, at any time before the final closing of the same, provided that the act complained of be set forth and described, and positively declared to have been committed by such person, in an affidavit to be sworn before a justice of the peace, and such affidavit be delivered to the returning officer, and further that the act complained of shall appear to the returning officer, upon a due examination of a witness upon oath, to be proved against such person, which oath, the returning officer may administer, provided that the affidavit, setting forth every such complaint, shall be delivered to the returning officer on the same day on which the act complained of shall have been committed.

No other person than the returning officer or his assessor, shall ask any question of any person examined by the returning officer, or his assessor, on account of his vote, or the vote of any other person having been objected to, but the returning officer or his assessor may permit a barrister, or barristers, to argue any question of law before him, on the evening of any polling day by 1 G. 4., and at any time by 4 G. 4.

objected to, but barrister may argue points of law.

In case of the death or severe illness of any returning officer during the continuance of the poll, *by the 1 G. 4. the first sworn deputy, and by the 4 G. 4. the other returning officer, if there be two returning officers, or if there be but one, or being two in case of the death or illness of both, the first sworn deputy shall, under the penalty of five hundred pounds to any person suing for the same, proceed with the poll, and act in every respect for all the purposes of the election, and with all the*

power to do any act required by law, to be done by a returning officer, as if he had been originally the returning officer, and such deputy shall take the oath directed to be taken by the returning officer at the commencement of the poll, which oath any two justices of the peace may administer; and by 1 G. 4. such deputy and by 4 G. 4. *such other returning officer or deputy* shall proceed with and close the poll, and return the persons, who have the majority of votes, unless his authority shall be superseded by the recovery of the returning officer, and in case of the death, or severe illness of such first or other sworn deputy, the next deputy in succession from time to time shall act as the returning officer, subject to the like penalty, and with the same power and take the returning officer's oath in manner aforesaid, and by 4 G. 4. the deputy who shall thus take the place of such returning officer shall be entitled to the same remuneration, as if he had continued to act as deputy.

No person whatsoever shall plead or speak in any place of polling, during the hours appointed for polling by 1 G. 4. *on any thing concerning the polling or the refusal of a deputy to transmit an objection to a vote, or to ask any question of a person offering to poll, and by 4 G. 4. on any matter whatsoever.*

Restraining persons from speaking during the time of polling.

The returning officer or his deputy may commit all persons to gaol, who shall plead or speak on any matter contrary to these acts, or be rioters, or interrupt the poll, or prevent the approach of electors to the poll, or be guilty of a contempt to the returning officer or his deputy, but such imprisonment shall not exceed twenty four hours.

officer may commit persons obstructing

If any person shall disturb any election or the proceedings of the poll, such disturbance shall not be an excuse to the returning officer for closing the poll, or

and other
deputies to
perform the
duty.
Penalty 500l.

1 G. 4. c. 11,
s. 16.
Knights of
shires and
boroughs.
4 G. 4. c. 55,
s. 58.
Counties of
cities and
towns.

1 G. 4. c. 11.
s. 23.
Knights of
shires and
boroughs.
4 G. 4. c. 55,
s. 59.
Counties of
cities and
towns.

Returning
the poll.
35 G. 3. c. 29.
s. 12.
Knights of
shires and
boroughs.

4 G. 4. c. 55.
s. 70.

Counties of
cities and
towns.

Rioting no ex-
cuse for closing
the poll, but the
court may be
adjourned from
time to time.

1 G. 4. c. 11.
s. 42.

Knights of
shires and
boroughs.

4 G. 4. c. 55.

s. 63.

Counties of
cities and
towns.

Deputy
sheriff, and
other officers
neglecting
their duty at election, shall lose their compensation.

Appointment
of others in
their place.

35 G. 3. c. 29.

s. 15.

Knights of
shires and
boroughs.

4 G. 4. c. 55.

s. 69, Counties of cities and towns. Officer or deputy delaying, shall forfeit 500*l*.

1 G. 4. c. 11.

s. 2.

Knights of
shires and
boroughs.

4 G. 4. c. 55.

s. 36.

Counties of
cities and
towns.

Close of the
poll.

35 G. 3. c. 29.

s. 13.

Knights of
shires and
boroughs.

making a return, but the court shall be adjourned from time to time until such disturbance shall have ceased, when the poll shall be proceeded with, and every person convicted of having violently misbehaved so as to interrupt the proceedings of the poll, or of having injured or secreted the poll books or any part thereof, or the writ or precept for such election, shall be adjudged guilty of felony, and be transported for seven years, or by 35 G. 3. be imprisoned for any time not more than seven years.

Any deputy sheriff, poll clerk, clerk of the peace, deputy clerk of the peace, or his deputy, assistant deputy clerk of the peace (and by the 4 G. 4. deputy town clerk or other officer), interpreter, constable, bailiff, or peace officer, absenting himself from the duty of his office during any part of the time that the poll shall be kept open on each day, shall forfeit all compensation for his attendance during such election.

And the returning officer shall thereupon immediately remove such person, and appoint another in his place.

If any returning officer or any deputy shall wilfully protract the poll, or be guilty of wilful delay, in taking the same, such officer and such deputy shall forfeit five hundred pounds to any person suing for it.

If the poll shall continue until the fifteenth day, it shall be closed at three o'clock on that day, and the returning officer shall immediately after the final close thereof, declare the names of the persons having the majority, and shall make a return of such persons.

There is no provision in Ireland for a scrutiny of votes, except during the days of polling, as before stated.

No returning officer shall, upon any pretence whatever return more persons than required by the writ or precept, and in case of an equality of votes for any candidates upon the close of the poll, the returning officer shall

give a casting voice, and by the 4 G. 4. *where two re-* 4 G. 4. c. 55.
turning officers shall preside, the senior officer shall s. 68.
if present give a casting voice, and if not, the junior Counties of
officer shall give a casting voice, whether such officer cities and
 shall be legally qualified to vote or not, or shall have towns.
 voted or not, at such election, and if he shall return Returning
 more than the number of persons directed to be returned, officer not to
 he shall forfeit two thousand pounds to the person first return more
 suing for it, and such officer shall be incapable of ever persons than
 after voting at an election for an M. P. required, and
 to have a cast-
 ing voice. In
 counties of
 cities and
 towns, where
 two officers
 preside, the
 senior if pre-
 sent, and if not
 the junior, to
 have a casting
 voice. 2000l.
 penalty on
 returning more
 than required.

There is no provision in elections for knights of shires, or for towns or boroughs, where there is more than one returning officer, to enable any of them to give a casting vote.

Returns to precepts and writs are made nearly in the same form in which they are made for places in England, vid. forms *mutatis mutandis*, pp. 47. 49.

In consequence of the last mentioned provision, on an equality of numbers it is not necessary to make a double return, unless it be in elections for knights of shires, or for towns or boroughs, where there is more than one returning officer.

The cases on which double returns may, if necessary, be made, are, where there is a doubt as to the eligibility of the candidates having the majority, or where the right of election is disputed, and the candidates have majorities on the different alleged rights, or it is a question, who is the returning officer.

On a general election, the returning officer shall make 35 G. 3. c. 29.
 a return of the precept six days before the return of the ss. 17. 18.
 writ, and on a writ issued during a session or proroga- Returns to
 tion within thirty days after the date thereof, and by s. 3. precepts from
 the sheriff shall accept the return of such precept from such officer only to
 officer only, to whom he shall have directed the same. whom the
 same were
 directed.

On a general election, the returning officer shall make 35 G. 3. c. 29.
 a return of such writ to the clerk of the crown, on or ss. 17. 18.
 before the day on which such writ shall be returnable, Knights of
 and on a writ issued during a session or prorogation shires.
 within forty days after the teste thereof, and such return- 4 G. 4. c. 55.
 ing officer as shall make default therein, shall forfeit to s. 72.
 any person suing for it one hundred pounds for each day Counties of
 such default shall be made. cities and
 towns.
 Returns to
 writs on a
 general elec-
 tion before the return day, and on a vacancy within 40 days after the teste thereof.

1 G. 4. c. 11.
s. 4.
Knights of
shires.
4 G. 4. c. 55.
s. 71.
Counties of
cities and
towns.
Certification
on the return.

Whenever a poll shall take place the returning officer shall certify on the back of his return to the writ the names of the candidates, and the numbers who voted for each as it appeared at the final close of the poll, and such certificate shall be evidence of the facts therein certified, unless disproved by contrary evidence.

As the 1 G. 4. mentions only returns to writs, it does not include towns or boroughs.

1 G. 4. c. 11.
s. 25.
Knights of
shires and
boroughs.
4 G. 4. c. 55.
s. 75.
Counties of
cities and
towns.
Punishment of
officers return-
ing corruptly

A returning officer convicted of having acted corruptly or partially in the execution of his duty as returning officer at any election of an M. P., shall be adjudged guilty of a high misdemeanor and imprisoned for a period not exceeding three years, *and he shall be incapable of holding any office or situation, civil or military, under the crown.*

35 G. 3. c. 29.
s. 14.
Knights of
shires and
boroughs.
4 G. 4. c. 55.
s. 73.
Counties of
cities and
towns.
No fee or re-
ward to return-
ing officer;
contracts for
making a re-
turn shall be
void.

No fee, gratuity, or reward shall be given, paid, received, or taken by any returning officer for making out, or for the delivery, return, or execution of any writ or precept for an election, and all promises and securities to be made or given to any returning officer, by way of gratuity or reward for making a return, shall be void, and whoever shall make, give, or accept such promise or security, or any gift or reward to procure any false return, shall forfeit a sum equal to the value given or intended to be given in such contract, and also two hundred pounds to any person suing for it.

Persons giving or accepting such shall forfeit the amount and 200*l.*

1 G. 4. c. 11.
s. 3.
Knights of
shires and
boroughs.
4 G. 4. c. 55.
s. 76.
Counties of
cities and
towns.
Poll books to
be delivered to

When a poll shall take place the returning officer shall, within twenty-one days of the final close of the poll, deliver all the poll books to the clerk of the peace for such place verifying upon oath, which any justice of the peace for such place may administer, that the poll books delivered in are the original poll books, upon which the return was founded, and that from the close of the poll there has not been any obliteration, erasure, addition, or

alteration made therein, and such poll books shall be kept amongst the records of the place, and the production of such books by such clerk of the peace, or officer, or his deputy, shall be sufficient evidence of the authenticity thereof, unless the same shall be disproved.

The returning officer shall return with the poll books to the clerk of the peace, an account of the sums received for the expences of such election from the several candidates, and the application thereof, and shall verify the same upon oath, which any justice of the peace, may administer.

the clerk of the peace, or other officer, having the custody of the records.

4 G. 4. c. 55. s. 77. Counties of cities and towns. Account of sums received for expences of election to be returned with the poll books to clerk of the peace. Charges, vid. p. 107.

All expences necessary for carrying on the election for knights of shires, and for boroughs, shall be paid, in the first instance, by the returning officer.

1 G. 4. c. 11. s. 26. Knights of shires and boroughs.

Election expences, vid. p. 107.

The churchwarden shall, after the election, deliver over to the clerk of the peace, the registry books of inhabitants immediately upon being required on pain of forfeiting ten pounds for every day he shall detain the same, and upon conviction, of *suffering one month's imprisonment for every day he shall detain the same.*

35 G. 3. c. 29. ss. 69. 70. Boroughs. Churchwardens shall deliver over books of inhabitants to clerk of the peace.

The writs and returns thereon being returned into the crown office in Ireland, shall from thence be transmitted to the crown office in England, and be certified to the house of commons, as the like returns have been usually or shall hereafter be certified, and copies of the said writs and returns attested by the chancellor, keeper, or commissioners of the Great Seal of Ireland, shall be preserved in the crown office there, and shall be evidence of such writs and returns in case the original writs and returns shall be lost.

39 & 40 G. 3. c. 67. s. 2. Return of writs to the crown office in Ireland, and from thence to the crown office in England.

With respect to the duty of the clerk of the crown in entering the returns, vid. *ante*, p. 24.

It may, however, be a question, as penal clauses of statutes are construed strictly, whether the penalty affixed by 7 & 8 W. 3. c. 7. s. 5., would attach to the clerk of the crown for not entering the returns from Ireland or Scotland within the time thereby limited.

[Declaration

Declaration
against tran-
substantiation.

Declaration against transubstantiation in the 30 C. 2. st. 2. c. 1. s. 3. to be made by Protestants before voting at elections in Ireland, and also by members before taking their seats in the house.

I, *A. B.* do solemnly and sincerely, in the presence of God, profess, testify, and declare, that I do believe that in the Sacrament of the Lord's Supper, there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever; (2) and that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass as they are now used in the church of Rome, are superstitious and idolatrous. (3) And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by English protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking, that I am or can be acquitted before God or man, or absolved, of this declaration or any part thereof, although the pope, or any other person or persons or power whatsoever, should dispense with or annul the same, or declare that it was null or void from the beginning.'

The Oath of Allegiance contained in the 13 & 14. G.3. c. 35. s. 1. (I) to be taken by Papists in Ireland before voting.

Oath of
allegiance for
papists in
Ireland.

"I, *A. B.* do take almighty God, and his only son Jesus Christ, my redeemer, to witness, that I will be faithful, and bear true allegiance to our most gracious sovereign, lord king George the third, and him will defend, to the

utmost of my power, against all conspiracies and attempts whatsoever that shall be made against his person, crown, and dignity; and I will do my utmost endeavour to disclose and make known to his majesty, and his heirs, all treasons, and traitorous conspiracies which may be formed against him or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown in his majesty's family, against any person or persons whatsoever; hereby utterly renouncing and abjuring any obedience or allegiance unto the person taking upon himself the stile and title of prince of Wales, in the life-time of his father, and who, since his death, is said to have assumed the stile and title of king of Great Britain and Ireland, by the name of Charles the third, and to any other person, claiming or pretending a right to the crown of these realms; and I do swear, that I do reject and detest, as unchristian and impious to believe, that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being heretics; and also that unchristian and impious principle, that no faith is to be kept with heretics; I further declare, that it is no article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated by the pope and council, or by any authority of the see of Rome, or by any authority whatsoever, may be deposed, or murdered by their subjects, or by any person whatsoever; and I do promise, that I will not hold, maintain, or abet any such opinion, or any other opinion, contrary to what is expressed in this declaration; and I do declare, that I do not believe that the pope of Rome, or any other foreign prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm; and I do solemnly, in the presence of God, and of his only son Jesus Christ, my redeemer, profess, testify, and declare,

that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever; and without thinking that I am, or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope, or any other person or persons, or authority whatsoever, shall dispense with, or annul the same, or declare that it was null and void from the beginning.

The declaration and oath in the 33 G. 3. c. 21. s. 7. (I) to be made by Papists in Ireland before voting.

Declaration.

“I, *A. B.* do hereby declare, that I do profess the Roman Catholic religion.”

Oath for papists in Ireland.

“I, *A. B.* do swear, that I do abjure, condemn, and detest, as unchristian and impious, the principle that it is lawful to murder, destroy, or any ways injure any person whatsoever, for or under the pretence of being a heretic; and I do declare solemnly before God, that I believe, that no act in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour, that it was done either for the good of the church, or in obedience to any ecclesiastical power whatsoever. I also declare, that it is not an article of the catholic faith; neither am I thereby required to believe or profess that the pope is infallible, or that I am bound to obey any order in its own nature immoral, though the pope or any ecclesiastical power should issue or direct such order, but on the contrary, I hold that it would be sinful in me to pay any respect or obedience thereto; I further declare, that I do not believe that any sin whatsoever committed by me can be forgiven at the mere will of any pope, or of any priest, or of any person or persons whatsoever; but that sincere sorrow for past sins, a firm and sincere resolution to avoid future guilt, and to atone to God, are previous and indispensable requisites to establish a well-

founded expectation of forgiveness; and that any person who receives absolution without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating a sacrament; and I do swear, that I will defend, to the utmost of my power, the settlement and arrangement of property in this country as established by the laws now in being; I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present church establishment, for the purpose of substituting a catholic establishment in its stead; and I do solemnly swear, that I will not exercise any privilege, to which I am or may become entitled, to disturb and weaken the protestant religion and protestant government in this kingdom." So help me God.

By the 1 & 2 G. 4. c. 58. the charges for an election in Ireland, and the payments by a candidate, are regulated.

Charges.—Schedule (A.)

For each booth not in a public building, 15*l.*; ditto in a public building, 7*l.* 10*s.*; assessor, and first day's attendance, 50*l.*; each subsequent day, 11*l.* 7*s.* 6*d.*; poll clerk, each day, 1*l.* 2*s.* 9*d.*; deputy clerk of the peace, and interpreter each day 10*s.*; assistant deputy clerk of the peace, and constable (of whom not more than two for each poll place are to be paid) 5*s.* each day.

Candidate—Schedule (B.)

One barrister, and first day's attendance, 50*l.*; each subsequent day 11*l.* 7*s.* 6*d.*; one conducting agent 100*l.* besides expences *bonâ fide* incurred; each agent or inspector, for the first day, 6*l.* 16*s.* 6*d.*; for each subsequent day, 3*l.* 8*s.* 3*d.*; each cheque clerk and other clerk, for each day, 15*s.*

CHAPTER III.

PROCEEDINGS ON ELECTIONS FOR ALL PLACES IN
SCOTLAND, FROM THE ISSUING TO THE RETURN
OF THE WRIT.

1707. 6 Ann.
One parlia-
ment.

By the third article of the treaty of union with Scotland, it is declared that the united kingdom shall be represented by one Parliament.

6 Ann. c.6.
s. 5.
Issuing of
writs. Art. 24,
one great seal
for the united
kingdom.

When any Parliament shall be summoned, the representatives of Scotland, in the house of commons shall be elected by authority of writs *under the Great Seal of Great Britain*, directed to the sheriffs and stewards of the respective shires and stewartries.

The writ for the town of Berwick is directed to the mayor and bailiffs of the town of Berwick-upon-Tweed, and the general provisions relating to elections and returns for England, extend to this place.

s. 6.
Shire &c. not
having a turn
to elect, to be
omitted out of
the writ.

If upon the issuing of writs for a Parliament, any shire or stewartry, wherein a royal borough is, hath not then the right to elect a commissioner or knight of the shire or stewartry for that parliament, it shall be omitted out of the writ.

This provision is necessary in consequence of it being declared by the Scotch act of 5 A. c. 8. s. 12., which is adopted by the act of union, that the right to choose a representative for the shires of Bute and Caithness, of Nairn and Cromarty, and of Clackmannan and Kinross, is alternate.

By the same section it is also declared, that in case of the death or legal incapacity of the members for any of the said places, or for Edinburgh, or any of the districts of burghs, the shire, the town of Edinburgh, or the district of burghs that chose the member so dying or incapacitated, shall elect a member in his place.

When any new Parliament shall be called, the lord chancellor, lord keeper, or lords commissioners of the Great Seal for the time being, shall issue out the writs for Scotland, and as well upon the calling any new Parliament as upon a vacancy during Parliament, the writs shall be delivered [*now transmitted*] to the sheriff or steward to whom the execution thereof does belong, and who shall thereon indorse the day he received the same.

16 G. 2. c. 11. s. 40.
New parliament.

Form of writ, *mutatis mutandis*, vid. p. 25.

The provisions as to the transmission of writs made by the 53 G. 3. c. 89. extend to this country, and by s. 7. it is declared, that any offence in Scotland against that act is a misdemeanor, and shall be punished by fine or imprisonment as the judge may direct.

Vid. p. 2.
Transmission of writs.
Offence in Scotland.

The provisions as to the removal of the military from the place of election in 8 G. 2. c. 30. mentioned before (vid. pp. 7 & 8) extend to Scotland.

Doubts having been entertained by whom the writs should be received, it was declared that the writs should be delivered [*now transmitted*, vid. p. 2.] to the sheriff or steward depute, or the substitute of each and to no other person, and the principal, or high sheriff or steward shall not officiate in receiving or executing the writ.

35 G. 3. c. 65. s. 2.
Writs transmitted to sheriff depute, or his substitute.

By s. 3. the sheriff or steward depute or substitute, neglecting his duty shall forfeit 500*l.*, and by s. 4. the principal or high sheriff, or any person other than the sheriff or steward depute, or the substitute of each interfering in the execution of a writ, shall forfeit 1000*l.*, and become incapable of bearing and executing any office or place of trust under the crown. These pecuniary penalties are to be recovered by way of summary complaint before the court of session upon thirty days' notice, as directed by the 16 G. 2. c. 11. s. 43.

The sheriff shall, within four days after receipt of the writ, make out a precept to each borough within his jurisdiction to elect a commissioner for choosing a burgess to serve in Parliament, and shall cause the same to be delivered to the chief magistrate of such borough resident in the borough for the time being.

7 G. 2. c. 16. s. 5; 16 G. 2. c. 11. s. 40.
Sheriff to deliver precept within four days.

By 6 A. c. 6. s. 5. on the receipt of the writ, the sheriff of the shire of Edinburgh shall direct his precept to the lord provost of Edinburgh to cause a burgess to be elected for that city, and as to the other royal boroughs divided into fourteen classes, the sheriffs of the several shires shall, on the receipt of the writs, direct their precepts to every royal bo-

Edinburgh.
Other royal boroughs.

rough within their shire, reciting the contents of the writ and the date thereof, and commanding them to elect a commissioner, and to order the commissioner to meet at the presiding borough on the 30th day, unless a Sunday, and then the day after to choose their burgess to Parliament.

35 G. 3. c. 65.
s. 1.
Shires.
Proclamation
of election.

The sheriff or steward depute or substitute, of any county or stewartry in Scotland shall, within six free days after receiving the writ, direct the notices required by law to be given as to the time and place of election for such county or stewartry, and the day of election appointed by the sheriff shall not be sooner than six nor later than fifteen days from the day of publication at the church doors.

By 3rd Parl. C. II. c. 21. 1681 (Scots act) the sheriffs and stewards shall make publication of the diet of Parliament, and of the diet appointed for election, at the head burgh of the shire on a market-day, and also at the parish church on the Sunday immediately following.

By 33 G. III. c. 64. which extends to Scotland, the time of giving notice of elections, is regulated, *vid.* p. 4.

35 G. 3. c. 65.
s. 6.
Orkney and
Zetland.
Proclamation
of election.

The writ for the election of an M. P. for the stewartry of Orkney and Zetland shall be published in the town of Kirkwall, and the twelve parish churches in the Island of Pomona, or the main land of Orkney only.

16 G. 2. c. 11.
s. 21.
Sutherland.

The freeholders of Sutherland shall meet at the head borough of the shire, and shall make up a roll of electors as in the other shires of Scotland, and the acts of Parliament touching the election of commissioners for Scotland, shall extend to Sutherland as well as to the other shires.

s. 11.
Shires and
Stewartries.
Persons stand-
ing on the roll
to be the
original con-
stituent
members.

At the annual meetings of freeholders, the original members shall be such persons only as shall stand upon the roll, that shall have been made up at a Michaelmas meeting, or at a meeting for an election of an M. P., and a copy of the roll shall, by the clerk of such meeting, be delivered to the sheriff or steward's clerk gratis, who shall insert the same with minutes of the proceedings at such meetings in a book, and deliver copies of the same to any freeholder desiring them, paying the legal fee for the same, and shall, at the meetings at Michaelmas, or for any elec-

tion, produce the said books for the use of the freeholders; and if the principal books, containing the rolls and minutes, shall not be produced at the Michaelmas or the election meetings, a copy of the said roll and minutes extracted and signed by the sheriff's clerk shall be sufficient.

At the election for the shire or stewartry the freeholders shall meet at the head borough, where the sheriff's or stewards' court used to be held, between mid-day and two in the afternoon, which shall be open to them, and all others be removed but whom they call.

In elections for shires or stewartries the writ is first read, and then the 2 G. 2. c. 24; it is usual also, but it is not required, to read the 38 sect. of the 16 G. 2. c. 11. which repeals so much of the preceding act, as prescribes the oath to be taken by the returning officer in Scotland. The book for entering the names of the freeholders is now produced by the sheriff's clerk. The commissioner last elected, after taking the oath of allegiance, vid. p. 40. and signing the assurance by W. & M. 1st Parl. Sess. 2. c. 38, according to the form in 6 G. 3. c. 53. s. 1. vid. p. 119, and also taking the oath of abjuration, vid. p. 41., if required, by a candidate or person present at the election, administers the same to the freeholders. The declaration against papists in the Scots act of 1700, c. 3. if required by any person, and by 19 G. 2. c. 38. s. 12. the declaration that the elector has not within a year preceding the election, been twice present in an episcopal meeting in Scotland not held in pursuance of the 10th Ann. c. 7., or not registered according to the directions, of that act, if required by a candidate or person present at the election, and also by 12 A. c. 6. s. 1., st. 7 G. 2. c. 16. s. 2., and 37 G. 3. c. 138. s. 2. the oath of trust and possession, vid. p. 119, if required by an elector and by 2 G. 2. c. 24. s. 1. the oath against bribery, vid. p. 30., if required by a candidate, or two of the electors must be made and taken by the electors. The commissioner last elected, or in his absence, the sheriff or stewards clerk shall ask the voters who shall preside? and who shall be clerk to the meeting?

The roll of electors last made up shall be the roll to be called over by the commissioner last elected, or in his absence by the sheriff's or steward's clerk, in order to the election of preses and clerk, as also by the preses after he is chosen, for the choice of an M. P., and for the determination of all questions arising in adjusting the roll, except so far as the same shall, after the meeting is duly consti-

C. 2. 3 parl.
c. 21.
Scots Act.
6 Ann. c. 6
s. 5.
Shires and
Stewartries
place of
election.

vid. p. 40.

vid. p. 119.

vid. p. 41.

The oath of
abjuration is
also required
by 1 G. 1. c. 13.

vid. p. 119.

vid. p. 30.

C. 2. 3 Parl.

s. 21.

Scots' act.

16 G. 3. c. 11.
s. 21.

Shires and
Stewartries.

The roll of
electors last
made up, shall
be used at the
election.

tuted by the choice of preses or clerk, be altered by the judgment of the majority of freeholders standing on that roll.

If the commissioner or sheriff's clerk shall in the choice of preses or clerk, take a false vote or refuse a good vote, he shall by s. 13. forfeit 300*l.* for every such offence.

16 G.2. c.11.
s. 13.
Shires and
Stewartries.
Who have a
casting vote.

On an equality of votes in the choice of preses or clerk, *the commissioner last elected*, and in his absence *any freeholder present who presided last at any meeting for an election*, and in his absence, *the freeholder who last presided at any Michaelmas meeting*, and if no such person shall be present, *the freeholder present who stands first on the roll* shall, besides their own votes as freeholders, have the casting and determining vote, and the preses chosen shall, after his election in the choice of the commissioner, and all other questions where the votes are equal, besides his own vote as a freeholder, have a casting vote.

s. 14.
Shires and
Stewartries.
The preses and
clerk being
chosen by the
majority, no
party shall
choose
another.

The persons chosen by the majority of the freeholders standing on the roll shall be preses and clerk for such election, and no number of freeholders separating from the majority shall choose another, and no person shall act as preses or clerk at any such election, unless chosen by the majority of persons standing on the roll; every freeholder who shall separate himself from the majority and set up any other person, shall forfeit fifty pounds, and if any person not chosen shall act as preses or clerk, he shall forfeit two hundred pounds.

s. 15.
Minutes of
the election of
preses and
clerk to be
signed.

The commissioner last elected, or in his absence the sheriff's or steward's clerk, shall sign the minutes of the election of preses and clerk, and deliver the same to the clerk, on a penalty of one hundred pounds to the person chosen preses.

The preses when elected, receives the roll of freeholders from the person who presided at his election. He is not however required to take any oath besides what as an elector he may be called upon to take.

The clerk shall take the oath of allegiance and abjuration, and sign the assurance, and also the oath next mentioned.

At elections for a shire or stewartry, the clerk chosen by the majority of the freeholders, shall take the oath therein stated, which the preses of the meeting shall administer. 16 G. 2. c. 11. s. 37. Shires and stewartries. Clerk to take oath, vid. p. 120. 121.

By the Scots act, 1681, c. 21., and the act of 16 G. 2. c. 11. ss. 12. 13., this is the proper time for bringing forward claims to be put upon the roll, or for making objections to the title of any persons who are upon the roll, which can only be altered by the judgment of the freeholders standing on that roll, and in case of an equality of votes, the preses is to have a casting vote.

When the roll is adjusted, the preses calls the same and proceeds to receive the votes for the persons nominated as candidates.

The same oaths and declarations may be required of the electors, before voting for the candidates, vid. p. 111., that are required of them, before voting for the preses and clerk.

If the preses shall in the election of an M.P. take a false vote, or refuse a good vote, he shall, by s. 13., forfeit two hundred pounds for every such offence.

When the votes are given, the preses himself, giving the casting vote if they are equal, declares who has the majority of votes, and that he is elected representative of the county, and the minutes are then read over, and the meeting is dissolved.

The clerk chosen by the majority of the freeholders, shall return to the sheriff or steward the person elected by the majority of freeholders and no other person, on a penalty of five hundred pounds. 16 G. 2. c. 11. s. 16. Clerk to make a true return.

This penalty is declared to be in lieu of a penalty of the same amount inflicted by 7 G. 2. c. 16. s. 1.

The sheriff or steward, upon producing to him a copy of the last roll, signed by the sheriff's or steward's clerk, and the minutes of the election of preses and clerk signed by the commissioner last elected, or in his absence by the sheriff's or steward's clerk, shall annex to the writ the return made by the clerk and by no other person, on a penalty of five hundred pounds. s. 17. Sheriff or steward to annex return to writ.

This penalty is declared to be in lieu of a penalty of the same amount inflicted by 7 G. 2. c. 16. s. 8.

6 Ann. c. 6.
s. 5.
Edinburgh.

On receipt of the precept, the lord provost of Edinburgh shall cause the election of the member to take place.

2 G. 2. c. 24.
s. 3.
Vid. p. 31.

No time is mentioned within which the election is to be made. It is however generally within two days after receipt of the precept, the lord provost issues a precept to the council for the election. One of the town clerks is chosen clerk of the meeting, and the oath in 2 G. 2. c. 24. s. 3. is administered, though in strictness, it is not now in force with respect to him, as by the 16 G. 2. c. 11. s. 38. it was with respect to returning officers in Scotland repealed, but no form of oath applicable to him has been made instead of it. The precept of the sheriff to the lord provost and his to the council, and the act of 2 G. 2. c. 24. and the 16 G. 2. c. 11. s. 38. are read.

Oaths, vid.
p. 111.

The same general oaths, assurance, and declaration are to be taken and signed by the magistrates and council that are required in elections for shires in Scotland, except the oath of trust and possession, vid. p. 111., and the oath against bribery contained in the 34 sect. of the 16 G. 2. c. 11., instead of that contained in the 2 G. 2. c. 24., must be administered to every elector if required by an elector. The precept must be entered on the minutes. The candidates are then proposed, and the votes are given according to the roll which is called by the clerk. If the votes should be equal, the lord provost as preses has a casting vote. By the 16 G. 2. c. 11. s. 13., he shall declare the result, and the common clerk by 6 A. c. 6. s. 5., certify the name of the person elected to the sheriff of Edinburgh.

16 G. 2. c. 11.
s. 41.
Boroughs.
Within 2 days
after receipt of
precept, chief
magistrate to
summon
council.

The chief magistrate, to whom the precept shall be delivered, shall upon the back thereof, indorse the day he received the same, and within two days after receipt thereof, summon the council of the borough by given notice personally, or leaving notice at the dwelling place of every counsellor then resident in the borough, which council shall then appoint a peremptory day for the election of a commissioner, for choosing a burghess to serve in Parliament.

s. 42.
2 days between
the council
meeting and
the day of
election.

s. 33.
Boroughs.
Electors of
commissioners
to choose a
burghess.

Two free days shall intervene between the meeting of the council which appoints the day of electing the commissioners, and the day of electing the commissioner.

The electors of commissioners for choosing burghesses to parliament, are declared to be within the meaning of the act of 2 G. 2. c. 24.

This act is therefore first read, vid. p. 29.

By W. & M. 1st Parl. sess. 4. c. 6., (Scots act) and 16 G. 2. c. 11. s. 26. the magistrates and counsellors take the oath of allegiance, vid. p. 40. and sign the assurance, vid. p. 119., and also the oath of abjuration, vid. p. 44. if required by any member of the council. Though it is provided by 16 G. 2. c. 11. s. 26. that all other oaths appointed for such elections shall be made, if required, yet it appears to be doubtful whether any other oaths can be required.

In all elections of commissioners for choosing burgesses 16 G. 2. c. 11. and before they proceed to election, the common clerk of s. 35. each borough shall take the oath therein stated, which any Boroughs. Common clerk of the magistrates, or in their absence any two of the town to take oath, council, shall administer. vid. p. 120.

At every election of commissioners for choosing burgesses, and at the election of a burgess for Edinburgh, s. 34. every magistrate, counsellor, or person, having a right to Oath against bribery, vid. p. 120. vote at such election, instead of the oath prescribed by the act of 2 G. 2., shall take the oath therein stated, if demanded by any one of the electors, which oath any of the magistrates, or in their absence any of the town council, shall administer.

The votes are then given, and the person who has the majority of votes is to be the commissioner.

The common clerk of such borough shall make out a 16 G. 2. c. 11. commission to the person chosen commissioner by the s. 26. major part of the magistrates and town-council assembled Boroughs. for that purpose, and shall affix the common seal of the The clerk to sign the commission, and shall not make fix the seal of the borough. out a commission for any person as commissioner, other than he who is chosen by the majority, on a penalty of five hundred pounds for every such offence, to the person elected commissioner for the said borough, and on pain of suffering six months imprisonment, and being for ever disabled to enjoy the said office of common clerk. Penalty 500l. Six months imprisonment incapable to hold office of common clerk.

If any person not the common clerk shall act as such in the election of a commissioner, and shall make out a commission for any person other than the person who was chosen by the majority, and shall sign or affix the common seal s. 27. Person not chosen acting as clerk, and making out wrongful com-

missions,
penalty 500*l*.

thereto, he shall forfeit five hundred pounds, to be recovered by the commissioner duly chosen.

6 A. c. 6. s. 5.
Boroughs.
Meeting for
the election.

The commissioners for the boroughs shall meet at the presiding borough of the district upon the 30th day after the day of the teste of the writ, unless it be Sunday, and then the day after.

7 G. 2. c. 16.
s. 11. Wigtoun.

On account of some mistakes having arisen in the district of Wigtoun, Whithorn, New Galloway, and Stranraer, as to their presiding at elections for that district, it was declared that the borough of Wigtoun shall preside at the election for the next Parliament, and that the other boroughs of the district shall preside afterwards, in the method prescribed by the Scots act of 5 Ann. c. 8. adopted by the act of Union.

14 G. 3. c. 81.
s. 2.

When the presiding borough is reduced, the next shall preside.

When the election of the magistrates and council of the borough, which ought to have been the presiding borough, is reduced and not revived, the next borough entitled to preside in turn shall be the presiding borough, and the election shall be made at that borough.

s. 3.

When presiding borough reduced and restored, it shall not preside until all the others have presided.

The borough which would have been the presiding borough at the election, if the election of the magistrates and counsellors had not been reduced, shall, when revived by the justice of the crown, have no right to be a presiding borough in the election of a burghess, until the other boroughs of the district have successively presided, and the right devolves upon such borough in the ordinary course of rotation.

The commissioners for the boroughs having met at the presiding borough, shall produce to the common clerk thereof, who shall be the clerk of the meeting, their precepts to their several boroughs, and also their commissions. The commissioner for the presiding borough shall act as preses of the meeting. The acts of 2 G. 2. c. 24., and 16 G. 2. c. 11. s. 38. are then read.

16 G. 2. c. 11.
s. 35.

Boroughs.
Clerk of presiding borough to take oath, vid. p. 120.

The clerk of the presiding borough shall take the oath which the commissioner for the presiding borough, or in his absence any other of the commissioners shall administer.

If such clerk shall refuse to take the oath he shall be incapable to act as clerk of the meeting, and the commissioners may choose another clerk, who shall have all the powers, in the same meeting and in returning the member chosen, that are competent to the clerk of the presiding borough.

s. 36.
Clerk refusing,
incapable to
act.

Such clerk shall also take the oaths of allegiance and abjuration, and sign the assurance. He then reads the commissions, and enters the particulars of them in the minutes. This is the time for hearing and deciding on objections to the commissions.

At all meetings of commissioners the common clerk shall allow the votes of such persons only who produce commissions authenticated by the subscription of the common clerk, and the common seal of the respective boroughs within the district.

s. 30.
The votes of
such persons
only shall be
allowed as
shall produce
commissions.

If any person, to whom no commission is made out, shall insist that he was duly elected the commissioner from any royal borough, he shall be admitted to the meeting of the commissioners for choosing burgesses, and may offer to take all the oaths required by law, and declare for whom he would have voted, had he been duly commissioned, which oaths the clerk of the presiding borough shall administer, and the clerk shall set down in the minutes, the declaration as to the candidate, for whom he would have voted, had he been commissioned, but the clerk shall upon no pretence consider such person a legal voter.

s. 32.
Person in-
sisting that he
was elected
commissioner,
but not having
commission, to
be admitted to
the meeting,
but his vote
not to be con-
sidered legal.

After the nomination of the candidates, the clerk administers to the electors the same oaths that are administered in elections for shires or stewartries, vid. p. 111.; (except the oath of trust and possession,) and the oath against bribery in the 16 G. 2. c. 11. s. 34., vid. p. 120. instead of the oath to that effect in the 2 G. 2., in case it is required by one of the electors.

In case of an equality of votes, the commissioner for the presiding borough, as the preses of the meeting shall have a casting vote, and by 16 G. 2. c. 11. s. 28. if the commissioner for the presiding borough shall be absent.

5 Ann, c. 8.
s. 12.
16 G. 2. c. 11.
s. 28.

Boroughs.
Casting vote.

from or refuse to vote at such election, the commissioner from the presiding borough at the last election, and if he be absent or refuse to vote, the commissioner from the last presiding borough but one, and if he be absent the commissioner from the last presiding borough but two, shall have, besides his own, the casting or decisive vote.

The majority being declared, it is the duty of the preses and the clerk to sign the minutes of the proceedings.

6 A. c. 6. s. 5.
Boroughs.
Return to the
sheriff.

The clerk shall, immediately after the election, return the name of the person so elected to the sheriff or steward of the shire or stewartry where such presiding borough is.

There is no provision, and on account of the small number of votes, there is no necessity for a scrutiny in Scotland; and though by the general law of Parliament, returns are to be made with due diligence, no time is expressly limited for such purpose.

In consequence of the preses of the meeting having a casting vote, a double return need only be made where it is disputed who is the returning officer, and where there is a doubt as to the eligibility of the candidate, and also on the ground of an equality of numbers in the case where two commissioners are sent from one of the boroughs of the district, and it is a question which of them is legally appointed.

16 G. 2. c. 11.
s. 30. 31.
Refusal by the
clerk to return
500l. penalty.

If the clerk shall neglect or refuse to return the person so elected, or shall return any other person to the sheriff or steward, he shall for every such offence forfeit five hundred pounds, suffer imprisonment for six months, and be disabled from holding the office of common clerk of the presiding borough as if he were dead, and if the sheriff or steward shall not annex to the writ such return, or shall annex to the writ any return made by any other person, he shall for every such offence forfeit five hundred pounds.

Sheriff not
annexing
return 500l.
penalty.

These pecuniary penalties are declared to be in lieu of penalties of the like amount inflicted by 7 G. 2. c. 16. s. 8.

Vid. pp. 23. 24.

The provisions of the 49 G. 3. c. 118. inflicting penalties on persons entering into engagements for money, or to procure offices to procure returns; and of the 25 G. 3. c. 84. s. 14. enabling the person who ought to have been returned to recover double damages extend to Scotland. The provision also of sect. 10. of the last act, enabling an elector, where no

return has been made, in particular cases to petition the house of commons, extend to this country.

The sheriff or steward of the shire or stewartry, shall annex the return from the clerk of the meeting for the election of knights of the shire, and also the return from the clerk of the presiding borough, at the election of M. P's. for the districts of boroughs to the writ, and return them with the same into the crown office in England.

6 A. c. 6. s. 5.
Return of the writ into the crown office.

Assurance required by the Scots stat. of W. & M. 1st Assurance.
Parl. Sess. 4. (1693) c. 6. and according to the form contained in 6 G. 3. c. 53. s. 1.

“ I, *A. B.* do, in the sincerity of my heart, assert, acknowledge, and declare, that his Majesty, king George, is the only lawful and undoubted sovereign of this realm, as well *de jure*, that is, of right king, as *de facto*, that is, in the possession and exercise of the government; and therefore I do promise and swear that I will, with heart and hand, life and goods, maintain and defend his right, title, and government against the descendants of the person who pretended to be prince of Wales, during the life of the late king James, and since his decease, pretended to be, and took upon himself the style and title of king of England, by the name of James the third, or of Scotland by the name of James the eighth, or the style and title of king of Great Britain, and their adherents, and all other enemies who either by open or secret attempts, shall disturb or disquiet his Majesty in the possession and exercise thereof.”

Oath of trust and possession contained in 7 G. 2. c. 16. s. 2., to be taken by freeholders in shires in Scotland before the election of preses and clerk, and also before the election of the members to serve in Parliament.

Oath of trust and possession.

“ I, *A. B.* do, in the presence of God, declare and swear, that the lands and estate of _____ for which I claim a right to vote in the election of a member to serve in Parliament for this county or stewartry, is actually in my pos-

session, and do really and truly belong to me, and is my own proper estate, and is not conveyed to me in trust, or for or in behalf of any other person whatsoever; and that neither I nor any person to my knowledge, in my name, or on my account, or by my allowance, hath given or intends to give any promise, obligation, bond, back-bond, or other security whatsoever, other than appears from the tenor and contents of the title upon which I now claim a right to vote directly or indirectly, for re-disponing or re-conveying the said lands and estate in any manner or way whatsoever, or for making the rents or profits thereof forthcoming to the use or benefit of the person from whom I have acquired the said estate, or any other person whatsoever, and that my title to the said lands and estate is not nominal or fictitious, created or reserved in me, in order to enable me to vote for a member to serve in Parliament, but that the same is a true and real estate in me for my own use and benefit, and for the use of no other person whatsoever, and that is the truth as I shall answer to God."

Oaths required by 16 G. 2. c. 11., to be taken by a magistrate at the election of a burgess, s. 34; by the common clerk before the election of commissioners to choose a burgess, s. 35.; by the clerk of the presiding borough before the election of a burgess, s. 35.; and by the clerk before the election for a shire, s. 37.

Oath.

"I, A. B. do solemnly swear, that I have not directly or indirectly by way of loan or other device whatsoever, received any sum or sums of money, office, place, employment, gratuity, or reward, or any bond, bill, or note, or any promise of any sum or sums of money, office, place, employment, or gratuity whatsoever, either by myself or any other to my use or benefit, or advantage, (in the case of magistrates at the election of a burgess, by s. 34, or to the use, benefit, or advantage, of the city or borough of

Of magistrates
at election of
a burgess.

which I am magistrate, counsellor, or burgess, in order to give my vote at this election;) (in the case of the common clerk before the election of commissioners to choose a burgess, by s. 35, *to make out any commission for a commissioner for choosing a burgess, and that I will duly make out a commission to the commissioner, who shall be chosen by the majority of the town council assembled, and to no other person ;)* (in the case of the clerk of the presiding borough before election of a burgess, by s. 35, *to make any return at this election of a member to serve in Parliament, and that I will return to the sheriff or steward the person elected by the major part of the commissioners assembled, whose commissions are authenticated by the subscription of the common clerk and common seal of the respective boroughs of THIS DISTRICT ;)* (and in case of the clerk at elections of members to serve in Parliament for a shire, by s. 37, *to make any return at the present election of a member to serve in Parliament, and that I will return to the sheriff or steward, the person elected by the majority of the freeholders upon the roll made up at this election, and who shall be present and vote at this meeting.)*

Of common clerk before election of commissioners.

Of clerk of presiding borough.

Of clerk at elections for shires.

So help me God."

CHAPTER IV.

WHO MAY AND WHO MAY NOT VOTE OR INTERFERE
AT ELECTIONS FOR ALL PLACES IN ENGLAND, IRE-
LAND, AND SCOTLAND.

Aliens, unless
naturalized or
made denizens,
disqualified.

Aliens cannot vote unless made denizens by letters patent or naturalized by a private act or under the provisions of a general act of Parliament, as by 13 G. 2. c. 3. foreign seamen, who in time of war serve two years on board an English ship by virtue of the king's proclamation, and foreign Protestants and Jews residing seven years in any of our American Colonies without being absent two months at a time, and foreign Protestants, by 2 G. 3. c. 25. serving two years in the army, or by 22 G. 2. c. 45. ss. 8. 11. 12. serving three years in the whale fishery and qualifying themselves by taking the oaths or making the affirmations of allegiance and abjuration, and not afterwards absenting themselves from the king's dominions for more than one year, and then they are *ipso facto* naturalized and privileged to vote. All these persons, however, are liable to the exceptions in 4 G. 2. c. 21. as to the children of persons attainted of treason, and those in the service of princes in enmity with the British crown.

The provisions of these acts being made previously to the union with Ireland, do not extend to that country; but, by 23 & 24 G. 3. c. 38. (1.), all foreigners of any sect, except Jews, settling in Ireland, shall be deemed natural subjects and may vote. In Scotland, there does not appear to be a similar provision; and in consequence of the particular mode of elections for Scotland, it is not probable that an alien would vote at any of the elections there.

Minors
disqualified

In the oaths of qualification for all places in England and Ireland, except London, and Norwich, the elector must swear that he is twenty-one years of age, but besides this by

7 & 8 W. 3. c. 25. s. 8. for England, by 35 G. 3. c. 29. s. 25. for knights of shires and boroughs, and by 4 G. 4. c. 55. s. 25. for counties of cities and towns in Ireland, and by the act of 1707, c. 8. for Scotland, it is declared that no person under the age of twenty-one years shall vote.

Women (Inst. p. 5.) idiots, lunatics, except at lucid intervals, though no commission is issued against them, but mere imbecility, is not a disqualification if the voter understands what he is doing, 1 Peck. 108; convicted felons (and the book of the quarter sessions is sufficient evidence of the conviction, Phil. 170,) unless they have received the benefit of clergy, or been pardoned: * persons attainted 5. T. R. 117., and persons convicted of perjury, or subornation of perjury, or of giving or receiving bribes, by 2 G. 2. c. 24. s. 6 & 7. in England and Scotland, and by 35 G. 3. c. 29. s. 23 & 72. for knights of shires and boroughs, and by 4 G. 4. s. 55. s. 73. & 84. for counties of cities and towns in Ireland, are disqualified to vote.

Women, idiots, lunatics. H. C. 255.
Persons convicted of felony, perjury, or bribery.

In some cases the legislature has expressly declared certain persons disqualified for bribery, as in New Shoreham, 11 G. 3. c. 55. and Nottingham, 43 G. 3. c. 60.; but unless the parties be convicted, or such an act be passed they are not disqualified, though a committee on a petition on a former election may have declared them to have been guilty of bribery, 2 Peck. 245. 250.

By 1 & 2 G. 4. c. 47. the borough of Grampound, on account of bribery, was disfranchised, and the right to elect two additional knights was given to the county of York.

Grampound, disfranchised.

* In 1 Peck. 509. a distinction was made between a conviction for petit larceny and for grand larceny, where the defendant had been admitted to his clergy. As, however, by 7 & 8 G. 4. c. 29. s. 1. the distinction between petit and grand larceny is abolished, and every larceny is to be taken to be of the same nature, and subject to the same incidents as grand larceny was before that act, and by 7 & 8 G. 4. c. 27., the 31 G. 3. c. 35. enabling persons convicted of petit larceny to be witnesses is repealed, there will be no ground for a similar argument in future.

Outlaws and excommunicated persons not determined, H. C. 333. 4. 7 & 8 G. 4. c. 37. s. 1. Persons employed disqualified, and voters not to be constables.

The votes of outlaws on civil process and of excommunicated persons have been objected to, but the points have not received any determination in the house of commons.

Any person, who shall during, or within six months previous to, or fourteen days after any election, be employed in any capacity for the purposes of such election, and shall at any time, accept, with reference to such employment, any money or office, or any security for any money or office, shall not vote, and by s. 5. voters are to be exempt from serving as constables during the election.

By sect. 4. this act is not to extend to Scotland, and as Ireland is not mentioned, it would seem that it is not intended to be included in it.

Peers no right to vote or interfere at elections. 57. Journ. 376.

No peers, except Irish peers actually elected, and not having declined to serve for any place in Great Britain, have a right to vote, and by a resolution of the house of commons, which is now the standing order on the subject, it is resolved to be an infringement of the liberties and privileges of the commons for any lord of Parliament, or other peer or prelate not being a peer of Ireland at the time elected, and not having declined to serve for any place in Great Britain, to concern himself in the election of a member of the house of commons, except an Irish peer when candidate for any place in Great Britain, or for any lord-lieutenant, or governor of any county, to avail himself of any authority derived from his commission, to influence the election of a member of the house of commons. A similar resolution was also made with respect to the ministers and servants of the crown, in 1779.

Ministers of the crown. 37 Journ. 507.

These resolutions relate to all elections for members of Parliament in England, Scotland, and Ireland, but do not appear to extend to meetings in Scotland for choosing commissioners to elect burgesses to Parliament.

Revenue officers not to interfere.

England and Scotland.

By 5 W. & M. c. 20. s. 48. no person employed in the excise, 12 & 13 W. 3. c. 10. s. 91. no person in the customs, 9 A. c. 10. s. 44. no person in the post office, and by 9 A. c. 11. s. 49., for laying duties upon vellum

and parchment, and 10 A. c.19. s. 182. for (among other things) laying duties upon soap and paper made in or imported into Great Britain, and upon cheque and striped linens, and upon certain silks, calicoes, linens, and stuffs, and upon printed papers and advertisements, and on cards and dice, and for licensing Hackney coaches, and for better securing the duties on licences for marriages, no person managing the several duties granted by those acts, shall in any manner endeavour to persuade any elector to give, or dissuade any elector from giving his vote, on pain of forfeiting one hundred pounds, *and of being disabled from bearing or executing any office of trust whatever under the crown.*

These acts relate to England and Scotland.

Every person holding, or within twelve months after ^{22 G. 3. c. 41.} he shall cease to hold, any of the employments after-^{s. 1.} mentioned, is disqualified from voting for any M. P., or ^{England and} for any delegate in whom the right of electing an M. P. ^{Scotland,} for Scotland is vested, or by ^{43 G. 3. 25.} 37 G. 3. c. 138. s. 1. for a ^{s. 1.} preses or clerk, or on any question relative to the adjustment of the roll of freeholders of any county at any meeting whatever, on pain of forfeiting one hundred pounds, (the prosecution for which is to be commenced within a year,) *and of becoming incapable of bearing or executing any office of trust under the crown*; (but by s. 3. it is declared it shall not extend to any office usually held by letters patent for an estate of inheritance or freehold;) any person whatever concerned or employed in the charging, collecting, levying, or managing the duties of excise, or any branch or part ^{Ireland.} thereof, ^{Disqualification of voting from office.} (*this does not include the husband of the office keeper to the collector of excise, 1 Peck. 373, or an occasional collector of excise paid by the collector, 4 Fra. 165*;) any person whatever concerned or employed in the charging, collecting, levying, or managing the customs, or any branch or part thereof; (*this does not in-*

Excise.

Husband of the office keeper, an occasional collector, excepted. Customs.

A former
captain of a
revenue cutter
excepted.

Coal and corn
meters of
London
excepted.

Stamps.

A subdistribu-
tion excepted.

Salt.

Windows.
Collectors ex-
cepted.

clude a former captain of a custom house cutter, who received an annuity from his successor, as a mark of gratitude for having kept his intention of resigning, secret, and thereby enabling the successor to obtain the situation, 1 Peck. 397., or by 51 G. 3. c. 84: the fifteen coal meters and ten corn meters of the City of London, though they may have a commission from the commissioners of customs, or be employed in the admeasurement of coal or corn for the purpose of ascertaining the duties of customs, if they shall not receive or be entitled to any salary or fee out of the revenues of the crown; (nor in Ireland any person concerned or employed by the commissioners of the revenue in charging, collecting, levying, or managing any of the duties in that country;) any person concerned or employed in collecting, receiving, or managing any of the duties on stamped vellum, parchment, and paper, or any person appointed by the commissioners for distributing of stamps; (*this does not include a subdistributor of stamps*, 1 Peck. 373. 1 Fra. 164;) any person employed in collecting, levying, or managing any of the duties on salt, (the duty on salt was, by 5 G. 4. c. 65., repealed;) any person in England or Scotland employed in collecting, managing, or receiving the duties on windows or houses; (*this does not include a collector of the duties on windows and houses, appointed by the commissioners of the land tax*, 2 Peck. 116. 2 Lud. 551,* or any postmaster general, or his or their deputy or deputies, or any person employed by or under him or

* The reason of this is that by s. 2. it is declared that the act of the 22 G. 2. c. 41. shall not extend to commissioners of the land tax, or persons acting under the appointment of such commissioners, for the purpose of assessing, levying, collecting, receiving, or managing the land tax or any other rates or duties granted or imposed, or thereafter granted or imposed by authority of Parliament, and by the 20 G. 2. c. 3., & 38 G. 3. c. 40. the management of the duties of windows and houses is placed under the control of the commissioners of the land tax, who are to appoint the collectors, 2 Peck. 116.

them, in receiving, collecting, or managing the revenue of the post-office, or any part thereof, (by this the clerk to a postmaster in a post town, appointed with the postmaster-general's approbation, 1 Peck. 354 to 358, the husband of the postmistress and the postmaster, though another executes and receives the profits of the office, 2 Lud. 558. 561. are disqualified, *but it does not include* Post Office. Includes clerk in a post town. Husband of post mistress. *a person appointed by the postmaster with the postmaster-general's approbation to distribute letters and receive the postage in a parish within his district, not a post town,* 2 Lud. 562. *or the guard of a mail coach, appointed by the comptroller general of the post-office, and paid by the postmaster of a county town,* 2 Fra. 254. Mail-coach guard. *and by* 27 G. 3. c. 26. s. 15. *the farmers of the post-horse* 27 G. 3. c. 26. s. 15. Farmers of post-horse duty. Captains of foreign mails disqualified. *duty appointed collectors thereof,)* or any captain, master, or mate, of any ship, packet, or other vessel, employed by or under the postmaster or postmaster-general, in conveying the mail in England and Scotland to and from foreign ports, and in Ireland to or from any place whatever.

No justice, receiver of fees, surveyor, or constable at any of the public police offices in London, Westminster, or Southwark, whilst he shall continue in office, or within six months afterwards, on pain of forfeiting £100, shall be capable of voting at an election of a member of Parliament for Middlesex, Surrey, Westminster or Southwark, or shall in any manner endeavour to persuade any elector to give, or dissuade any elector from giving his vote for any member for such places. 3 G. 4. c. 55. s. 14. Police magistrates and officers cannot vote or interfere at elections.

Whether the receipt of alms or parish relief by a man, his wife, or child, operates as a disqualification generally, affecting voters of all descriptions and for all places in England, is a question on which there is no fixed decision, Committees of the house of commons having come to different determinations on the subject. Alms or parish relief, receipt of.

Con. 307.

In Scotland, pensioners cannot vote at elections for magistrates of boroughs, and from the particular qualification it is not probable that a person who had received alms should there claim to vote at elections for an M. P., and there is not in that country or in Ireland a provision for the poor, similar to what there is in England.

England.
2 *Lud.* 563.
567. *id.* 365.
H. C. 271.
Male, 2nd ed.
295.

The best opinion, however, appears to be that it is, in itself, no disqualification to freeholders; (in the *Cricklade* case, however, there was a contrary decision, 2 *Lud.* 563.) or to freemen (there was a contrary decision in the *Oakhampton* case, 1 *Peck.* 373.; but it was without argument, and only affected one vote), or to burgage-tenure holders for cities, towns, and boroughs, unless by some resolution of the house of commons, the right of the particular place is declared to be in freemen, or burgage-tenure holders, (either singly or in conjunction with others) not receiving alms or parish relief. The receipt of alms or parish relief, by a man, his wife, or child, is, therefore, principally a disqualification to scot and lot voters. It is, however, no disqualification to a militia man during the time of actual service, by 18 G. 3. c. 59. s. 25., and to voters generally, unless it be subsequently to the period when the right of the voter accrued, 1 *Peck.* 72, and within a year preceding the election, except in London, by st. 11 G. 1. c. 24. s. 14., and in Reading 16 *journ.* 27. where the receipt of any alms whatsoever, within two years, operates as a disqualification. The receipt of a part of sacrament money, 25 *journ.* 375., or of a benefit from charities distributed weekly, monthly, or yearly, to persons during good behaviour, is no disqualification, 1 *Peck.* 510, and this rule applies generally to charities, unless a committee of the house of commons has come to a contrary determination with respect to particular charities in particular places.

Subject to the foregoing observations, all persons may

vote, foreigners made denizens or naturalized, Quakers, 7 & 8 W. 3. c. 34., Moravians, 22 G. 2. c. 30.; Jews, 10 G. 1. c. 4.; Papists, taking the oaths required in the different countries, returning officers and candidates.

In elections in England for knights of shires, by 8 H. 6. c. 7. and 18 G. 2. c. 18. s. 1 & 5., and for cities and towns being counties, so far as respects freeholders, by 19 G. 2. c. 28. s. 4 & 13. the electors must, on a penalty of 40*l.*, to be recovered by any candidate for whom they should not vote, have a freehold interest in the district of the value of 40*s.* clear of all charges, except taxes not fraudulently granted, nor come into possession within twelve months previously to the election, except by descent, marriage, devise, or promotion to a church or an office.

England.
Freeholders at
elections.
For knights of
shires and
counties of
cities and
towns.

In elections for knights of shires, the estate (except by 18 G. 2. c. 18. s. 4. any rents, or any chambers in the inns of court or chancery, or any messuages or seats belonging to any office not usually rated) must, by 20 G. 3. c. 17. s. 1., have been assessed to the land tax in the name of the voter or his tenant, six months. By s. 2. it does not extend to annuities or *fee farm rents* issuing out of lands rated, or to any person who became entitled to such estate by descent, marriage, devise, or promotion to a benefice, or to an office, within twelve months, if it has been rated in the name of some former proprietor or tenant, within two years before the election. By 30 G. 3. c. 35. s. 1 & 2. the assessments may be either in the name of the owner of the property or some predecessor or their tenants respectively, within the periods just stated. In elections for cities and towns, being counties, the estate must, by 19 G. 2. c. 28. s. 3. (except any rents or any messuages or seats belonging to any offices not usually rated) have been assessed to the land tax, *twelve months next before the election.** If the land tax has been re-

England.
Electors for
knights of
shires.

2 Peck. 85.

Freeholders.
Counties of
cities and
towns.

* The period of assessment, as stated above, for cities and towns being counties, is the same as Mr. Sergeant Heywood and Sir John Simeon have

H. B. 409.
Sim. 1st ed.
64.

deemed, proof of such redemption on oath or otherwise, is sufficient, 42 G. 3. c. 116. s. 200. Tithes need not be assessed to the land tax, H. C. 201.

England.
Freeholders at
elections for
knights of
shires and ci-
ties and towns
being counties.
Annuities.

In elections for knights of shires, and cities and towns, being counties, if the interest consist of an annuity or rent charge issuing out of land, a memorial of the grant of such annuity or rent charge, must have been registered, and a certificate of the assessment where it has been assessed, entered with the clerk of the peace twelve months before the election, 3 G. 3. c. 24. s. 3 & 4. unless, by s. 2. it came to such person by descent, marriage, devise, or presentation to a benefice or promotion to an office within twelve months, and then it must be entered before the day of election, and unless it be a reserved or fee-farm rent, assessed to the land tax. By 42 G. 3. c. 116. s. 154. the purchasers of land tax are entitled to vote as the owners of a fee-farm rent, and by 51 G. 3. c. 99. it is not necessary to register any certificate or memorial of the purchase thereof, as of other fee-farm rents and annuities. Annuities from the crown or in respect of offices need not be registered, H. C. 234. 236. 2 Lud. 431. 500.

The interest must be freehold, *and therefore persons holding by copy of court roll, cannot vote.** They are also expressly disabled by 31 G. 2. c. 14. s. 1. on the penalty of 50*l.*, to be recovered by any candidate first suing for it, for whom they did not vote. By this act, tenants in ancient demesne, and persons who hold their estates by a species of tenure called tenant-right, which prevails, principally in Northumberland, Cumberland, and Westmoreland, are disqualified, but customary freeholders have the right of voting, H. C. 75. to 84.

laid down; but if the 20 G. 3. c. 17, the title of which includes voters at counties generally, and not merely for knights of shires, be considered to extend to cities and towns being counties, there would be the same period of, and the same regulations as to, assessment in both places, and the law on the subject would harmonize much better.

* It is worthy of remark, that, though under the act of 9 A. c. 5. s. 1. a freehold or copyhold estate of 300*l.*, or 600*l.* a year is the qualifi-
cation.

By the 33 H. 8. sess. 2. c. 1. (I) it was provided that the electors of knights of shires in Ireland, should have a freehold estate of the yearly value of forty shillings above all charges. As far, therefore, as the value of the estate was the criterion of the qualification, the right to vote in respect of freeholds was originally the same in England and Ireland. In the latter country, however, though the right has not been expressly altered, it has, by numerous regulations, been very much modified. These are various, depending, on the place for which the election is held, whether it be for a knight of a shire, or for a county of a city or town, on the nature of the interest, whether it consist of land, or of a charge issuing out of land, and on the amount, whether it be of forty shillings, twenty pounds, or fifty pounds.

In the 35 G. 3. c. 29. (I) 37 G. 3. c. 47. (I) 45 G. 3. c. 59. and 1 G. 4. c. 11., with respect to counties generally, and in the 4 G. 4. c. 55. for counties of cities and towns, the provisions for registering freeholds are contained, and persons cannot vote in Ireland in respect of a freehold, unless it has been registered previous to the date of the writ.

By 35 G. 3. c. 29. s. 40., and by 4 G. 4. c. 55. s. 29., no rector, vicar, or curate, shall be obliged to register his freehold arising from his ecclesiastical preferment, or be precluded from voting on account of the non-registry thereof.

On the day before, unless a Sunday, and then on the day but one before the opening, and on the day after, unless a Sunday, and then on the second day after the closing of the quarter sessions, the chief magistrate shall, on the request of a freeholder, hold an open court of sessions, for the purpose of registering all freeholders presenting themselves, from ten o'clock A. M. to four o'clock P. M. the chief magistrate need not attend during the time that any two justices shall attend.

tion for an M.P., a copyhold estate, however great the value may be, is no qualification to vote at any place in England, except Cricklade and Westbury.

4 G. 4. c. 55. Persons may register freeholds at such special sessions
s. 3.
35 G. 3. c. 29. in counties of cities and towns, and in all counties at any
s. 45. quarter sessions, and every adjournment thereof.

37 G. 3. c. 47. The registry of any freehold shall not be impeached
s. 11.
4 G. 4. c. 55. on account of any irregularity in holding or adjourning
s. 15. any sessions, from whence the sessions at which such
freehold shall have been registered shall have been
adjourned provided such latter session shall have been
duly held in all other respects.

45 G. 3. c. 59. In case of no adjournment, or no adjournment of an
s. 13.
Counties, adjournment of the sessions, and such sessions shall
lapse, a sessions shall be held the first Monday in the
next month at the place where the last sessions of the
peace shall have been held, for the purpose of registering
freeholds, and such sessions may be adjourned to any
city or market town of the same county.

35 G. 3. c. 29. Persons possessed of freeholds of the yearly value of
s. 36. fifty pounds, may take the requisite oath before a judge
4 G. 4. c. 55. in any of the courts in Dublin, or at an assize, and upon
s. 9. its being read aloud in court at any sessions of the peace,
and signed by the justices, and delivered to the clerk of
the peace, such oath shall be of the same effect as if it
had been made at the sessions.

37 G. 3. c. 47. Freeholders in actual service in the army or militia,
s. 8.
4 G. 4. c. 55. may take the oaths at any sessions of the peace, or ad-
s. 10. journment thereof (*would this include an adjournment
of an adjournment?*) for the place where they are
quartered, and when read aloud in court at the sessions
of the peace, or an adjournment, or an adjournment of an
adjournment thereof, and delivered to the clerk of the
peace, such oath shall be of the same effect, as if it had
been made at the sessions of the peace for such place.

By the 37 G. 3. c. 47. s. 15. no person shall be deemed not properly
registered, on account of the affidavit not being on stamped paper, or not
having been read aloud in open court. There is, however, no such pro-
vision in the 4 G. 4.

In the 1 G.4. c. 11. s. 28. and 4 G.4. c. 55. s. 13. the present Form of Registering Freeholds is contained, and it is as follows :—							
NUMBER.	NAME OF FREEHOLDER.	PLACE OF ABODE.	SITUATION OF FREEHOLD.	NAME OF LANDLORD.	VALUE OF FREEHOLD.	NAMES OF LIVES OR OTHER TENURE	PLACE AND DATE in 1 G.4. and Date (only) in 4 G.4. OF REGISTRY.

1 G. 4. c. 11.
s. 32.
4 G. 4. c. 55.
s. 11.

No freehold by virtue of a written instrument shall be registered unless the deed be duly stamped, and the clerk of the peace shall state in every certificate of the registry of a freehold of the value of forty shillings, by virtue of a written instrument, that the same was stamped according to law.

35 G. 3. c. 29.
s. 41.
4 G. 4. c. 55.
s. 12.
35 G. 3. c. 29.
s. 25.

The clerk of the peace shall give a certificate of the registration of his freehold to every person demanding it, for which he shall pay three pence.

Knights of
shires' rent
charge under
20l., no quali-
fication.

No person shall vote for knights of shires by virtue of a freehold arising from a rent charge, unless it be of the clear yearly value of twenty pounds.

This now only extends to elections for knights of shires, and it is clear by the 4 G. 4. c. 55. s. 23. that persons possessed of a freehold arising from a rent charge, though of the amount only of forty shillings a year, are entitled to vote in counties of cities and towns. By the 45 G. 3. c. 59. provisions were made as to freeholds under the yearly value of twenty pounds; but it appears not to have been intended to include a freehold under that amount arising from a rent charge.

35 G. 3. c. 29.
s. 25.
Knights of
shires.

4 G. 4. c. 55.
s. 23.
Counties of
cities and
towns.

No person shall vote for knights of shires in respect of a rent charge above twenty pounds, and for counties of cities and towns in respect of a rent charge above forty shillings, unless the same shall have been registered by sect. 34 of the 35 G. 3. (I.) within eight years, and twelve months at least, and by the 4 G. 4. twelve months at least, previous to the teste of the writ.

35 G. 3. c. 29.
s. 31.
Knights of
shires.
4 G. 4. c. 55.
s. 23.
Counties of
cities and
towns.

No person shall vote in respect of a freehold registered as of the value of fifty pounds or twenty pounds not arising out of a rent charge, unless registered six months at the least before the teste of the writ, and by the 4 G. 4. if let to the person from whom it is held, or to any person in trust for him, or for the term for which it is held, unless it shall have been registered twelve months previous to the teste of the writ.

45 G. 3. c. 59.
s. 4.
Knights of
shires.

No person shall vote by virtue of a freehold under the yearly value of twenty pounds, unless registered twelve months at the least, previous to the teste of the writ.

No person shall vote by virtue of a freehold registered at twenty pounds or forty shillings, (*it should most probably be under twenty pounds or at forty shillings,*) unless registered within eight years, and as to forty shillings freehold, twelve months at the least previous to the teste of the writ.

No person shall vote in respect of a freehold by 35 G. 3. c. 29. s. 26. Knights of shires. 4 G. 4. c. 55. s. 23. Counties of cities and towns.

G. 3. under twenty pounds, and by 4 G. 4. registered as of forty shillings, if let to the person from whom it is held, or to any person in trust for him or for the term for which it is held.

In the provisions in 1 G. 4., and 4 G. 4., with respect to freeholds under the yearly value of twenty pounds there is a slight inconsistency. In the questions to be asked of the freeholder at the time of voting, (vid. p. 89.) it is provided that where the freehold is of the value of forty shillings only, the voter shall be asked *whether it has been in his own occupation by tilling or grazing, or residing upon it during the whole of the last twelve months?* (This was required of freeholders under twenty pounds, by 35 G. 3. c. 29. s. 30.) By s. 44. of the first, and s. 80. of the 4 G. 4., it is declared, that persons having freeholds, under the yearly value of twenty pounds not consisting of a rent charge, and liable only to a crown or quit rent, may register the freehold, *although they should not reside thereon, or till, or graze, to the amount of forty shillings yearly, in the same manner as is provided for persons having freeholds of the yearly value of twenty pounds, and when they offer to vote, shall make the same affirmations and oaths, with the alterations and additions therein set forth, and answer the same questions which are provided for persons having freeholds of the yearly value of twenty pounds.* Now by the 1 G. 4., and 4 G. 4., there is no difference (whatever be the value of the estate) in the oaths of freeholders on voting, and by the 1 G. 4., (vid. p. 90.) no other questions are to be asked of the voter respecting his freehold than those which are therein stated, so that the law as to freeholders possessed of an interest, not a rent charge, less than twenty pounds a year, cannot be laid down with precision.

No person shall vote by virtue of a freehold come to 37 G. 3. c. 47. s. 4. Knights of shires. 4 G. 4. c. 55. s. 23. Counties of cities and towns.

him by descent, devise, marriage, or marriage settlement, by the 37 G. 3., of whatever value, unless if a rent charge, it shall have been registered one year, and if not a rent charge, six months before the teste of the writ; and by 4 G. 4. of the value of forty shillings, unless it

shall have been registered six months previous to the teste of the writ.

From the whole of the twenty-third section of the 4 G. 4. it seems that the exceptions as to the time of the registration of freeholds coming by descent, &c., extend only to 40s. freeholds. It may, perhaps, however, be argued, that this exception relates to the whole section, and includes in its operation all freeholds, whether of forty shillings, twenty pounds, or fifty pounds.

- 35 G. 3. c. 29. No person shall vote by virtue of a freehold granted
s. 28. fraudulently, or in exchange for a freehold in any other
4 G. 4. c. 55. county, or in consideration of any increase of rent out of
s. 24. any other land, held by such person from the grantor.
- 35 G. 3. c. 29. No person shall be precluded from voting by virtue of
s. 38. a freehold on account of having disposed of part, if he
4 G. 4. c. 55. shall have retained so much as the value sworn to in
s. 29. the registry amounts to.
- 1 G. 4. c. 11. If any person shall vote by virtue of an alleged free-
s. 37. hold, or a freehold granted contrary to the provisions as
4 G. 4. c. 55. to freeholds, he shall forfeit twenty pounds to be reco-
s. 83. vered by any person who may sue for the same.
- 35 G. 3. c. 29. If a person shall poll at any election by virtue of a
s. 53. freehold which he had registered, but which was not in
4 G. 4. c. 55. his possession at the time of voting, he shall, if convicted
s. 84. thereof, be imprisoned for six months.
- 45 G. 3. c. 59. If any person shall grant any interest importing to be
s. 8. a freehold, which really is not so, with intent to enable
4 G. 4. c. 55. any person to vote, such grant shall be good for every
s. 26. purpose but enabling the grantee to vote.
- 45 G. 3. c. 59. If such grantor shall be possessed only of a term of
s. 9. years, and shall demise the same for life with intent to
4 G. 4. c. 55. induce the lessee to register the same as a freehold, or to
s. 27. vote as a freeholder, he shall forfeit one hundred pounds
to any person suing for the same.
- 1 G. 4. c. 11. If any person shall vote by virtue of a registry of an
s. 37. alleged freehold under a lease for life made by a lessor
Knights of who had not a freehold estate, or under a lease for life
shires. which is to determine on some such condition that a

freehold estate has not been demised by the same, or 4 G. 4. c. 55. s. 83.
 under a lease for life, or *a certain number of years*, Counties of cities and towns.
 which life is dead, or which lease has expired or been So in the acts.
 surrendered, after due notice not to vote by virtue of any
 such registry shall have been given to such person by a
 candidate or inspector of a candidate before or during
 such election, such person, on being convicted thereof,
 shall forfeit to any person suing for the same, twenty
 pounds, with treble costs, by the 1 G. 4. by action of
 debt at any general quarter sessions or assizes for the
 county where such election should have taken place, and
 by 4 G. 4. by proceedings in the nature of a civil bill
 at any general or quarter sessions for such county, or by
 action of debt in any of his Majesty's courts of record
 in Ireland.

Every person who shall poll, or shall offer to poll a 1 G. 4. c. 11. s. 36.
 second time, or who shall personate any other person Knights of shires and boroughs.
 for the purpose of polling at such election, shall be
 guilty of a misdemeanor, and upon being convicted 4 G. 4. c. 55. s. 82.
 thereof, may be imprisoned for any term not exceeding Counties of cities and towns.
 two years.

By the 35 G. 3. c. 29. s. 54. if any person not being a registered
 freeholder, shall take upon him the name of and pretend to be a free-
 holder entered upon the registry, and shall be convicted thereof, he shall
 be sentenced to stand in the pillory on three successive market days in
 the town where such election has been held, and be imprisoned for six
 months. If however this clause be considered now to be in force, it ex-
 tends only to elections for knights of shires.

No freeholder shall vote more than once on pain of for- 18 G. 2. c. 18. s. 5.
 feiting 40*l.* to the candidate for whom he did not vote. 19 G. 2. c. 28. s. 4.

There is, however, no *general* provision against voting twice in Eng-
 land, as there is in Ireland. England. Counties.

No trustee or mortgagee shall be allowed to vote un- 7 & 8 W. 3. c. 25. s. 7.
 less he be in the actual possession or receipt of the rents England.
 and profits of such estate, (*and this possession in Ire-* 35 G. 3. c. 29. s. 27.
land must have been for twelve months before the testa 4 G. 4. c. 55. s. 29.
of the writ.) but the mortgagor or *cestui qui* trust may Ireland.
 vote. *If the annual value of the estate, however, be*

reduced below forty shillings by interest on a mortgage, a charge under a will, or a widow's dower, it is no qualification. By the 7 & 8 W. 3. it is declared that all conveyances made to multiply votes, are void, and that there shall not be more than one vote for one house.

10 Ann. c. 23. All conveyances fraudulently made to qualify persons
s. 1. to vote, subject to conditions to defeat the same, shall be
15 G. 2. c. 20. absolute against the grantors; and collateral securities
England. between the same or any other parties in trust for them,
35 G. 3. c. 29. to redeem, revoke, or defeat the estate, shall be void;
s. 24. and every person who shall make and execute, and
4 G. 4. c. 55. being privy to such purpose, shall prepare the same, or
s. 28. who by colour thereof shall give any vote at any election,
Ireland. shall forfeit, in England forty pounds, and in Ireland,
one hundred pounds.

Fraudulent
conveyances.

53 G. 3. c. 49. All devises by will made for the purpose of multiply-
ss. 1 & 2. ing votes are void, but by s. 2. it is declared that it
shall not extend to affect devises by any testator, whose
death took place twenty years before the 21st May, 1813,
the date of that act.

Fraudulent
devises.

H.C. 90 to 114. Equitable freeholders in possession; the husband of
England. a woman entitled to dower out of the estate of which her
late husband died seized, though it be not set out by
metes and bounds, if such second husband be in the ac-
tual receipt of the profits of such dower, 20 G. 3.
2 Peck. 115. c. 17. s. 12.: a person married during the election in
respect of premises to which he became entitled by the
marriage; tenant in tail after possibility of issue extinct;
2 Lud. 447. tenant by the curtesy; tenant *pour autre vie*; the hus-
bands of coparceners; joint tenants, and tenants in
common: (notwithstanding the provisions of the act of
7 & 8 W. 3. c. 25. s. 7. as to England, that there shall
be no more than one vote for one house;) and persons
who have been in possession of property for a sufficient
time to bar an ejectment, may vote.

Freehold inter-
est in right
of office.

All persons who have a freehold interest in a house
or land, in right of any office, are entitled to vote;

but if merely an estate for life in an office unconnected with any house or land, they are not qualified. H. C. 65.
2 Peck. 91.

On this principle a rector or vicar, and schoolmasters, parish-clerks, and dissenting ministers, when they hold their offices for life, may vote; but the clerk of the peace for Middlesex, a master in chancery, a six clerk, and a sixty clerk in chancery, sub-register in chancery, clerk of the petty bag office, secondary, cursitor, filacer, prothonotary, clerk of the king's silver, king's remembrancer, and a sexton not appearing to be appointed for life, are disqualified. Rectors, &c.
may vote.
H.C. 123.
Persons disqualified.

Besides the forty shilling freeholders in cities and towns being counties, and in cities, towns, and boroughs generally, the right of voting is vested in burgage-tenure holders, freeholders, leaseholders for life or years, free-men and inhabitants, according to the custom of each particular place. The annual value of a burgage-tenure estate is in England generally, unless a custom exists to the contrary, immaterial. With respect to burgage-tenure boroughs, the chief question is, whether the burgage has been divided, as a burgage divided since the time of legal memory gives no vote, unless a custom prevails to the contrary. The act of 7 & 8 W. 3. c. 25. in England against splitting votes, does not extend to burgage-tenements, H. B. 324. 326. 1 Doug. 209., but persons making fraudulent conveyances are punishable at common law, and see (H. B. 416.) a copy of an information at common law for splitting votes in order to carry an election. No length of possession is necessary to qualify the owner of the estate to vote, except in Wareham, persons possessed of a freehold, (the value of which is of no importance,) in New Shoreham, the forty shilling freeholders of the rape of Bramber in Sussex, and in Cricklade, and Aylesbury, the forty shillings freeholders in the acts relating to those places mentioned and entitled to vote at the elections for the counties of Wilts and Bucks respec-

2 Peck. 91 to
102.
England and
Ireland.
Voters gene-
rally in cities,
towns, and
boroughs.

H. B. 365.

tively, must have been in the possession of their estate for twelve months previously to the election, except the same came by descent, devise, marriage, or promotion to some benefice in the church. Persons possessed of freeholds in Tavistock of any value, and in Nottingham of the yearly value of forty shillings, (but no length of time for the possession of the estate in either place appears necessary) may vote. In Corff castle, persons seized in possession or reversion* of corporeal hereditaments and tenants for life, and for want of such freehold, tenants for years determinable on lives, paying scot and lot, in Cricklade, freeholders, copyholders, (Westbury is the only other place) and leaseholders, for not less than three years, having been in the house for which they claim to vote forty days previously, and at Ludgershall, such persons as have an estate of inheritance, or freehold, or leasehold, determinable upon lives not confined to ancient houses, or the scites of ancient houses, have a right to vote.

3 G. 3. c. 15.

s. 1.

England.

35 G. 3. c. 29.

s. 29.

4 G. 4. c. 55.

s. 32.

Ireland.

Freemen.

Freemen (except those entitled by birth, marriage, or servitude, and they may be admitted at any time before they poll) shall not vote, unless admitted to the freedom of such place in England twelve months before the first day of election, on a penalty of one hundred pounds, and in Ireland six months before the teste of the writ, and in England any person who shall antedate an admission, shall for every such offence, forfeit five hundred pounds. The action for such penalties shall be brought within a year. The admission must be entered on a stamp, but if at any time before the freeman votes, it is sufficient, 3 Doug. 207. By 12 G. 3. c. 21. in England, if any person entitled to admission to his freedom be not admitted by the proper officer within one month after notice of such claim, he may apply to the court of king's bench for a mandamus,

* It does not appear that there is any other place in England where persons seized of estates in reversion are entitled to vote.

and in obedience to such writ, he shall be admitted, and shall recover costs from such officer, if the court shall think fit.

There does not appear to be any penalty affixed by statute for antedating an admission in Ireland, nor is there a provision in that country similar to what is contained in the 12 G. 3. c. 21., in case the proper officer should refuse to admit any person to his freedom.

Inhabitants are to be considered either as persons paying scot and lot, or householders, or housekeepers, and potwallers. None of them in England, by 26 G. 3. c. 100. (except when they acquire possession of a house by descent, devise, marriage, or promotion to an office or benefice), shall vote, on a penalty of twenty pounds, unless they have been such for six months previously to the election. By s. 2., it shall not extend to any persons who may claim to vote by any title or superadded qualification. By the description of scot and lot voters, is intended that the persons are rated, and pay to the poor rates, 1 Doug. 127. 129. There are contrary decisions by committees on the question, whether a refusal to pay the rates when demanded, disqualifies the voter, but when there is a sufficient excuse, it appears reasonable that it should not. Corb. & Dan. 143. 167.

A person who should, but has been omitted by mistake to have been rated, is disqualified. A person excused from paying the rate upon his own application will be entitled to vote. In London, however, by 11 G. 1. c. 18. s. 14., no person within two years upon his own request discharged from paying the rates, or receiving any alms whatsoever, shall vote. 2 Doug. 396. 1 Peck. 507.

By the 35 G. 3. c. 29. ss. 55. 63. 68., every person claiming to vote as an inhabitant of a borough, where the right of voting is in the inhabitants or in the inhabitants and others, shall be registered at the quarter sessions of the peace for the county where such borough lies, twelve months before the test of the writ for such election. By the oath appointed for an inhabitant before voting, vid. p. 92. Ireland. Voters as inhabitants to be registered.

he must swear that he has paid the usual taxes and cesses in the borough as an householder, and that he did not divide his house in order to multiply votes at the election, and that it might be let for five pounds a year to a responsible tenant.

Scotland.
Electors.

In Scotland the qualifications of electors, whether by estate for knights of shires, or stewartries, or by residence or otherwise for the districts of boroughs are so different from those in England and Ireland, that it is considered best for the sake of perspicuity, to state the provisions for that country separately.

By the Scots act of Jac. 4th, 6th Parliament (1503) c. 78. barons freeholders, or vassals, within one hundred marks of extent, should send their procurators to Parliament. By the Scots Acts of James 6th, 1585, and 1587, all freeholders of the king under the degree of prelates and lords of Parliament, should be present at the elections of the commissioners, and none should vote but such as have forty shillings land in free tenancy holden of the king, *and be resident within the shire*. By the Scots act, of C. 2. 1st Parl. 1661. c. 35. beside all heritors who hold a forty shillings land of the king *in capite*, all heritors, life renters, and wadsetters holding of the king and others, who held their lands formerly of the bishops or abbots, and then held of the king, and whose yearly rent amounted to ten chalders of victuals or one thousand pounds, Scots should vote.

C. 2. 3rd Parl.
1681. c. 21.

By the Scots act of C. 2. 3rd, Parliament 1681. c. 21., which has been continued with some slight alterations to be the law to this day, it is declared that none shall vote in elections for commissioners for shires, but those who at that time shall be publicly infeft in property, or superiority,* and in possession of a forty shillings land

* A superiority is the bare seignior of land independant of the usufructuary interest or beneficial property. A superior who has not the beneficial property, is the mesne lord between the king and the terre-tenant; or

of old extent* holden of the king or prince distinct from the feu duties, (*i. e.* quit rents) in feu lands, or where the said old extent appears not, shall be infeoft in lands liable in public burdens for his majesty's supplies, for four hundred pounds of valued rent, whether kirk lands now holden of the king, or other lands holden feu, waird or blench, of his Majesty as king or prince of Scotland, and residence was made no longer necessary.

Lands holden of the king or prince liable in public burdens for four hundred pounds, Scots of valued rent shall be a sufficient qualification, whatever be the old extent of the lands. 16 G. 2. c. 11. s. 9.

In the county of Sutherland, two hundred pounds of valued rent is a sufficient qualification. 16 G. 2. c. 11. s. 19. Sutherland.

It was declared that no persons should be capable to elect, or be elected representatives for Scotland, except such as were then capable by the law of that kingdom, to elect or be elected. 5 Ann. c. 8. s. 12.

By the act of 1681 the freeholders shall meet at the head burghs of the shires and stewartries at the Michaelmas head court yearly, and revise the roll of electors, (which was to be made up at the time therein mentioned,) 1681. Scots Act.

actual proprietor. (2 Doug. 359.) In England, before the stat. of Quia Emptores 18. E. 1. Westminster 3rd, an interest of a similar nature could have been created, but by that act no right remains in the grantor, and the grantee is to hold the land of the chief lord.

* The old extent is a valuation of the lands in Scotland, supposed to have been made in the reign of Alexander the third. When a man can show that his lands were computed at forty shillings in this old valuation, he is entitled to be put on the roll, whether they amount to four hundred pounds valued rent or not. But as (by the stat. 16 G. 2. c. 11. s. 8.) no other evidence of old extent can be admitted, but a *retour* of the lands prior to the 16th September, 1681, the most general method of making out a qualification is by what is called the valued rent. A *retour* is a verdict of a sort of jury, who are appointed to enquire into an heir's title to succeed to the estate of his ancestor. The *valued rent* is a valuation of the lands of the different counties in Scotland, made in the time of the commonwealth, and adopted after the restoration, 2 Doug. 360. n. C. & D.

and make such alterations therein as have occurred since the last meeting.

16 G. 2. c. 11.

s. 2.

Persons standing on the roll, to be constituent members.

Such persons as stand upon the roll last made up shall be the original constituent members at the next Michaelmas meeting or meetings for election to revise the roll.

s. 7.

Manner of acting to prevent surprise on claim to be inrolled.

Every freeholder who intends to claim to be inrolled at a Michaelmas meeting, shall, two months before such meeting, leave with the sheriffs or steward's clerk a copy of his claim, setting forth the names of his lands and his titles thereto and dates thereof, with the old extent or valuation upon which he desires to be inrolled; and in case of his neglect so to do, he shall not be inrolled at such meeting; and if any person intends to object to any freeholder standing upon the roll, on account of the alteration of his circumstances, he shall at least two months before the Michaelmas meeting, leave his objections with the sheriffs or steward's clerk, who shall indorse on the back of the aforesaid claim the day he received the same, and give a copy thereof to any person demanding the same.

or on objection to persons inrolled,

s. 4.

Where a person claims to be inrolled or has been struck off the roll.

If at any meeting a person who claims to be inrolled shall be refused to be admitted, or who stood upon the roll shall be struck off or left out of the roll, by judgment of the freeholders, he may within four months after his being so refused, struck off, or left out, apply to the court of sessions, who shall grant a warrant to summon (upon fifteen days' notice by 14 G. 3. c. 81. s. 1.) the person upon whose objection he was refused to be admitted, or was struck off or left out, and shall determine such complaint, and if any freeholder objects to the title of any person who shall be inrolled, (whether such freeholder was at the meeting or not,) he may apply at the court of sessions within four months after inrollment, and the said court shall after fifteen days' notice, by the 14 G. 3. c. 81. s. 1. on the person said to be wrong

Appeal may be made to the court of sessions.

fully admitted, hear and determine the same, and if no such complaint be exhibited within the four months, the freeholder shall continue on the roll until an alteration of his circumstances be allowed by the freeholders at a Michaelmas meeting or meetings for an election as a sufficient cause for striking or leaving him out of the roll.

Lord Gishornie takes notice, that no express provision has been made by 16 G. 2. c. 11. s. 4., for an application to the sessions, 1st, Where an objection is made at the meeting of freeholders, but is overruled by them; and 2ndly, where a man has once been admitted on the roll, and has stood there for the necessary time either not objected to, or objected to without success; and an objection is taken to his vote from a subsequent change of circumstance. Both of these cases, however, have been determined to be within the meaning of the act. 2 Doug. 364.

No conveyance or right whatsoever, whereupon infeoffment is not taken and seisin registrated one year before the teste of the writ for a new Parliament, and in case of an election during a Parliament, whereupon infeoffment is not taken one year before the date of the warrant for making out the writ, shall, upon objection made, entitle the person so infeofter to vote or be elected at that election. 13 A. c. 6. a. 1.

No infeofter upon any redeemable right whatsoever (except proper wadsets, adjudications, or apprisings allowed by the act of 1681) shall entitle the person so infeofter to vote or be elected for any shire or stewartry. a. 3.

A wadset is a conveyance of an estate, capable of being enjoyed until it is redeemed, but liable to redemption on payment of a sum either really or supposed to be advanced upon it. A proper wadset (which, according to the act of 1681, gives a right to vote) is where the lender is to trust only to the rents for his interest, and to enjoy the benefit, if they exceed, and to bear the loss, if they fall short of the amount, paying the public burthens at the same time. An improper wadset (which does not give a right to vote) is where the lender is to account for the rents, deducting only the interest when there is an excess, and receiving the difference when there is a deficiency, (as is the practice in the case of heritable bonds, the common security in Scotland.) 3 Lord. 376. 4 Doug. 304.

The person entitled to redeem the estate, is called a reverser, and as long as his right continues he may vote.

Adjudications or apprisings, after the expiration of the legal reversion, give a right to vote.

C. 2. 3 Parl.
1681. c. 21.
Apparent heirs
in possession,
life renters
and husbands
in right of
wives and by
curtesy, other-
wise the fiar
may vote.

Apparent heirs in possession by virtue of their predecessors infeoffment and life renters, (tenants for life) and husbands for the freeholds of their wives, or having right to a life rent by the curtesy, if such life renters put in their claim are entitled to vote, if not the fiar (*i. e.* remainder man in fee) may vote, but both fiar and life renter shall not vote, unless they have distinct lands of the holding extent or valuation required.

12 A. c. 6. s. 7.
Husbands not
to vote by vir-
tue of infeoff-
ments of wives,
unless heir-
esses.

No husbands shall vote by virtue of their wives' infeoffments who are not heiresses, or have not right to the property of the land, on account whereof such vote shall be claimed.

7 G. 2. c. 16.
s. 3.
Refusal to take
oath of trust,
name shall be
erased.

If a freeholder shall refuse to take the oath of trust and possession, he shall be erased out of the roll of freeholders.

16 G. 2. c. 11.
s. 8.
No person to
vote in respect
of an old ex-
tent, unless
proved by a
retour prior to
Sept. 1681.

No person shall vote or be inrolled in respect of an extent of lands holden of the king or prince, unless it is proved by a retour of lands prior to the 16th September, 1681, and no division of the old extent made since that time by retour or any other way shall be evidence of the old extent.

s. 10.
No purchaser
to be inrolled
until infeoft a
year.
No heir appa-
rent until his
predecessor's
titles are pro-
duced.
Persons may
be inrolled
though absent.

No purchaser or singular successor shall be inrolled till he be publicly infeoft, and his seisin registered or charter of confirmation be expedited when confirmation is necessary, one year before the inrolment; and no heir apparent, shall be inrolled, until his predecessor's titles are produced, and allowed by the freeholders as a sufficient qualification; and any person, though absent, may be inrolled, provided the titles and vouchers of his qualification are produced and laid before the freeholders.

s. 20.
Electors and
elected to hold
their lands
immediately
from the king
or prince.

One person only shall be entitled to vote or be elected in respect of the same lands, and where lands are holden by any baron or other freeholder immediately of the king or prince, such baron or freeholder may be elected, and vote for those lands; and no vassal or sub-vassal

shall be entitled to vote or be elected; and where lands are holden of the king or prince, by a peer or other person or body politic or corporate by law disabled to be an M. P., or to vote in such elections, then the proprietor and owner of such lands, and not any of his superiors, shall be entitled to vote, or be elected in respect of the same lands; and no alienation of the superiority to be made by such person incapable to elect or be elected shall deprive the proprietor and owner of the lands of his right to vote, or his capacity to be elected; and the property of lands holden in part of the king or prince, and in part of a peer or other person, or body politic or corporate incapable to elect or be elected, shall be a sufficient qualification, and shall entitle the proprietor to vote and to be elected.

When lands held by a person disabled, that owners may vote or be elected.

No alienation to deprive him of such right.

When lands held part of the king and part of a person disabled, owner may vote or be elected.

The foregoing statement contains the substance of the legislative enactments as to the qualification of electors for knights of shires or stewartries in Scotland, which is considered sufficient for a work of such a nature as the present. Reference may be made by the reader to the cases of Clackmannan and Lanerk, 2 Doug. 343. 365. Fife, 4 Doug. 177. Elgin and Nairn, 3 Lud. 328. 404.; and Ayrshire Phil. Elect. Cases, and to Mr. Connell's able treatise on the Law of Elections in Scotland.

In the town of Edinburgh, and the other royal boroughs, the right of election was before the union vested in the magistrates and council. In Edinburgh, it remains still the same, but in the other boroughs, in consequence of their division into fourteen districts, each borough is to elect a commissioner, who, with the commissioners from the other boroughs in the same district, are to elect their representative. The answer to the question, therefore, who are the electors for the royal boroughs of Scotland, depends on the answer to the previous question, who may be elected magistrates and

Edinburgh and the royal boroughs.

Con. 313.
335.
And the cases
there cited.

members of the council. Formerly residence by the statutes of 1487, c. 108., 1535 c. 26., and 1609 c. 8. was a necessary qualification for borough officers. These acts, so far as they respect the office of provost, have been determined by the court of session to have fallen into desuetude; but with respect to bailies and other office bearers, they are still in force. The proper exercise of the ordinary calling of those individuals at a place of business within the borough, will, however, constitute residence, although the dwelling house may be beyond its bounds; and where, from the nature of the trade, it is necessary to reside at a little distance from the town, non-residence is not a valid objection.

The magistrates and members of the council must have been admitted members of some of the guilds, or crafts of the borough, and this appears to be the chief qualification.

16 G. 2. c. 11.
s. 29.

No objection
to commissioner
being non-
resident.

It is no objection to any commissioner for choosing a burgess, that he is not a residenter within the borough, bearing all portable charges with his neighbours, or that he is not trafficking merchant therein, or that he is not in possession of any burgage, lands, or houses, holding of the said borough, and such qualifications need not be ingrossed in his commission.

Qualifications
of a commis-
sioner, and of
a member of
district of
boroughs.
3 Lud. 272.

It has not been declared by any law, at least since the union, what are the qualifications of a commissioner, but he should be a burgess of the borough from whom he is sent; and the member elected should be a burgess of one of the boroughs within the district which he is chosen to represent.

APPENDIX

CONTAINING A LIST OF PENALTIES, TO WHICH RETURNING AND OTHER OFFICERS IN ENGLAND AND IRELAND, ARE LIABLE.

ENGLAND.

	Counties.	Boroughs, Towns, and other places.	
	£	£	
Annual officer obstructing the election of a successor		100	9 A. c. 20. s. 8.
The sheriff not delivering precepts to mayors of towns	200		11 H. 4. c. 1. 23 H. 6. c. 14. s. 1.
For wilful offences including not indorsing writ, or not delivering precept within proper time, or for giving or taking any fee for the making out return, &c. of any precept	500	500	7 & 8 W. 3. c. 25. s. 6.
Not holding election between 8 and 11 A. M.	200		23 H. 6. c. 14. s. 2.
This extends only to elections for knights of shires.			
Returning officer not certifying oath of candidate as to value of estate into the king's bench or chancery	100	100	9 A. c. 5. s. 7.
Returning officer taking more than proper fees for administering oath to candidate, and filing certificate	20	20	s. 8.
Presiding officer not administering bribery oath gratis, if required	50	50	2 G. 2. c. 24. s. 1.

		Counties.	Boroughs, Towns, and other places.
		£	£
2 G. 2. c. 24. s. 2.	Returning officer admitting any person to poll without administering oath, if required	100	100
2 G. 2. c. 24. ss. 9. 10.	For every wilful offence, including the not reading that act immediately after the writ or precept	50	50
7 & 8. W. 3. c. 25. s. 6.	Not delivering a copy of the poll	500	500
11 H. 4. c. 1. 8 H. 6. c. 7. 23 H. 6. c. 14. s. 1.	Making an undue return	200	80
10 & 11. W. 3. c. 7. s. 3.	Officer not making a return within proper time	500	
	This includes returns to all writs, but not to precepts.		
	Besides the before-mentioned penalties, the act of 7 & 8 W. 3. c. 7. s. 2. declares that the party duly elected, but not returned, may recover double damages; and the 25 G. 3. c. 84. s. 13. provides that the returning officer offending against that act may be prosecuted by information or indictment; and sect. 14 declares that the person, who ought, in the opinion of the committee, to have been returned, may bring an action against the officer, and recover double damages.		
11 G. 1. c. 18. s. 2. London.	The officer refusing to swear persons before polling, if required, for every such offence	60	
s. 4.	Any person offending in the premises shall, for every offence, <i>above all other penalties</i> , forfeit	200	
3 G. 2. c. 8. Norwich.	For every refusal to admit the clerk, &c. into prison to take the votes of persons in prison for debt	50	
	For every refusal to swear persons before polling, if required	50	
21 G. 3. c. 54. s. 9. Coventry.	The officer for admitting persons to poll without being sworn, shall, for every offence, forfeit	100	

Counties.

£

The Clerk of the Peace is subject to the following penalties.

For every wilful offence against that act including the not keeping a book for registering annuities, or not giving forthwith copies of certificates required, or not attending elections upon notice

100

3 G. 3. c. 24,
s. 8.

For every offence in neglecting to permit the inspection or to deliver copies of any duplicates, or to attend at the place where the records are kept, or at the election upon notice, and he shall forfeit his office, and not be capable of being appointed to such office for any county

500

20 G. 3. c. 17,
s. 16.

The clerk or other officer of towns or boroughs, having the custody of books of freemen, is subject to the following penalties.

For wilfully and fraudulently antedating admission of a freeman, for every offence . . .

500

3 G. 3. c. 15,
s. 3.

This extends to any person committing the offence.

For every refusal to permit the inspection, and grant copies of the admissions, or to produce them at the election, if demanded . . .

100

s. 4.

For every refusal to permit the inspection, or give copies of the admissions

100

12 G. 3. c. 21,
s. 2.

IRELAND.

The Returning Officer is subject to the following penalties.

Unnecessary delay

500

This extends also to deputies.

35 G. 3. c. 29,
s. 15., 4 G. 4.
c. 55. s. 69.

Returning more persons than required

2000

35 G. 3. c. 29,
s. 13., 4 G. 4.
c. 55. s. 68.

	Counties.
	£
35 G. 3. c. 29. s. 14., 4 G. 4. c. 55. s. 73.	Amount of Gift and 1200.
35 G. 3. c. 29. ss. 17. & 18. 4 G. 4. c. 55. s. 72.	100
1 G. 4. c. 11. s. 25., 4 G. 4. c. 55. s. 75.	Imprison- ment for not more than 3 years and in capacity to hold any of- fice under the crown.
35 G. 3. c. 29. s. 10., 4 G. 4. c. 55. s. 62.	50
<i>The Clerk of the Peace for counties generally, is subject to the following penalties.</i>	
35 G. 3. c. 29. s. 44.	100
s. 65.	50
s. 68.	20
s. 70. Any person.	Three years im- prison- ment. 10l. and one month's im- prisonment for every day the same de- tained.
37 G. 3. c. 47. s. 6.	500

Counties.

For every offence in taking more than one shilling for preparing an affidavit

£

20

37 G. 3. c. 20.
s. 7.

For every offence in not appointing a deputy and an assistant deputy to attend at the poll place, or to have the original affidavits or affirmations of registry endorsed, or to make the due entries in a book, or to cause registry books to be printed and delivered to the clerk of the crown, or to certify in every certificate that the written instrument was stamped according to law

500

1 G. 4. c. 11.
s. 33.

The Chief Magistrate and Clerk of the Peace for counties of cities and towns, are subject to the following penalties.

For every offence, if the chief magistrate shall neglect to hold any sessions when required, or if he shall not register the freehold of a person qualified

100

4 G. 4. c. 55.
s. 17.

Or if the clerk of the peace shall neglect to attend at any sessions of the peace on notice by a freeholder, or to do any act necessary for the registry of a freehold

50

s. 20.

For every offence in not returning within ten days a copy of the registry of all freeholders from the original registry book, or a true copy of the same from the alphabetical or any or either of the books, *within any period* to be stated by the freeholder

100

s. 21.

This is for the same offence as s. 44 of the 35 G. 3. c. 29., omitting the words, copies of poll books. (*See last page.*)

150



I N D E X.

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